

FILED
DISTRICT COURT OF GUAM
NOV 23 2004
MARY L. M. MORAN
CLERK OF COURT

36

Guahan (The 27th Guam Legislature), and Felix P. Camacho, in his official capacity as the Governor Of Guam, allege as follows.

PARTIES

1. Plaintiffs are registered voters on Guam. Plaintiffs desire to cast a valid and meaningful vote on the Guam Casino Gaming Control Commission Act, otherwise known and referred to herein as "Proposal A".

2. The Guam Election Commission ("Election Commission") is "an autonomous instrumentality and an independent commission of the Government of Guam" pursuant to 3 G.C.A. § 2101(a). Under 3 G.C.A. § 2106, the Election Commission has the capacity to sue and be sued in its own name.

3. Gerald A. Taitano is the Executive Director of the Election Commission (the "Director") and a resident of the territory of Guam.

4. I Mina' Bente Siete Na Liheslaturan Guahan is the Twenty Seventh Guam Legislature (the "Legislature").

5. Felix P. Camacho is the Governor of Guam (the "Governor").

JURISDICTION

6. This Court has removal jurisdiction pursuant to 28 U.S.C. § 1441, and independent federal question subject matter jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiff brings this action

pursuant 42 U.S.C. §1983 on his own behalf, and on behalf of all others similarly situated, seeking a judicial declaration that the results of the November 2, 2004 election on Proposal A are constitutionally invalid by reason of local election officials' interference with Plaintiffs' fundamental, federal constitutional right to vote in a fair and legal election on Proposal A.

CLASS ALLEGATIONS

7. The Class Plaintiffs are so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class, the claims of the representative parties are typical of the claims and defenses of the class, and the representative parties will fairly and adequately protect the interests of the class.

8. The prosecution of separate actions by members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, and adjudications with respect to individual members of the class would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interest.

9. The Defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

10. Questions of law or fact common to the members of the class predominate over any questions affecting only individual members.

11. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

FACTS

12. Proposal A was on the ballot for the scheduled November 2, 2004 Guam general election. The Director and the Election Commission placed Proposal A on the ballot upon their determination that Proposal A met all legal requirements under Guam law for the placement of initiatives on the ballot.

13. Plaintiffs are informed and believe that Election Commission's requested fiscal year 2004 budget to the 27th Guam Legislature was \$850,000. Plaintiffs are informed and believe that in its request, the Election Commission informed the Legislature that \$850,000 was sufficient to cover all operational costs for fiscal year 2004, and expressly stated that \$850,000 was sufficient to ensure that Proposal A would be properly and legally placed on the ballot for the November 2, 2004 general election.

14. On information and belief, the Legislature funded the Election Commission with a fiscal year 2004 budget of \$450,000 rather than \$850,000.

15. On information and belief, shortly before the ballot pamphlet on Proposal A was to be mailed to the voters, the Director informed the Legislature and the Governor that the Election Commission needed an additional \$25,000 in funding to print and mail Proposal A ballot pamphlets to voters before the November 2, 2004 election.

16. On information and belief, the Governor delivered the Director's requested additional \$25,000 in funding.

17. On information or belief, the Election Commission mailed Proposal A ballot pamphlets to the voters of Guam on or before October 1, 2004.

18. Copies of the text of Proposal A itself were not included in the ballot pamphlets mailed to the voters by the Election Commission.

19. By the Director's own public admission, he and the Election Commission, acting in their official capacities, intentionally, knowingly and willfully decided to not include the complete text of Proposal A in the ballot pamphlets they mailed to the voters thirty (30) days prior to the scheduled November 2, 2004 election on Proposal A.

20. A true and correct copy of the complete text of Proposal A is attached hereto and made a part hereof as Exhibit 1.

21. Plaintiff requested the Election Commission to pass upon the validity of the thirty (30) day mailing requirement of 3 G.A.R. §2114 (discussed below) before the election. The Election Commission effectively ruled that that 3 G.A.R. §2114 is valid, but publicly stated that it

did not have the funds to comply with it, and that the November 2, 2004 election on Proposal A would go forward as scheduled unless and until a court ruled otherwise.

22. On October 7, 2004, the Guam Attorney General's Office wrote an opinion letter stating that the Proposal A ballot pamphlets were legally flawed and that the November 2, 2004 vote on Proposal A would be invalid and unenforceable for four numbered reasons and one unnumbered reason. A true and correct copy of the Attorney General's opinion letter and its attachments are attached hereto and made a part hereof as Exhibit 2. True and correct copies of the information on Proposal A actually mailed to the voters by the Election Commission are attached to the Attorney General's opinion letter itself and made a part hereof by this reference. As alleged above, the actual text of Proposal A was not mailed to the voters.

23. The Attorney General's Office widely distributed its opinion letter to the public and to the media. The opinion letter caused massive public and private speculation on whether any vote on Proposal A would be legal or otherwise binding. The Attorney General's Office also publicly stated that any vote for Proposal A would be invalid and ineffective. Moreover, the Attorney General's Office publicly stated that if Proposal A was passed by the voters on November 2, 2004, the Attorney General's Office would file a lawsuit to declare the election void.

24. On October 25, 2004, Guam's Legislature passed Bill 374. A true and correct copy of Bill 374 is attached hereto and incorporated herein as Exhibit 4. In passing Bill 374, the Legislature determined not to hold a public hearing, as required by 2 G.C.A. § 2103, on the grounds

that an emergency existed involving a danger to the "public welfare". See Exhibit 4, Speaker Pangelinan Certification. The statute cited by the Speaker, 2 G.C.A. § 2103, only permits the Legislature to waive public hearings on legislation if there is a danger to the "public health or safety," not a danger to the "public welfare". No public hearing on Bill 374 was held. No member of the public was invited to comment or speak on Bill 374 before it was passed by the Legislature. No emergency existed involving a danger to the "public health or safety." Bill 347 was illegally passed by the Legislature and it was never of any legal efficacy.

25. Public Law 374 purportedly and impliedly repeals 3 G.C.A. § 17509 and 3 G.C.A. § 17511, which collectively require the full text of initiatives to be mailed to registered voters on Guam before an initiative election, but such repeal only purports to apply to the November 2, 2004 election on Proposal A. Bill 374 also purportedly and impliedly repeals 6 G.A.R. §§ 2112 and 2114, which collectively require the full text of initiatives to be mailed to the voters of Guam not later than thirty (30) days prior to the initiative election, but such repeal only purports to apply to the November 2, 2004 election on Proposal A. Under Bill 374, the full text of Proposition A was required to be made available to voters at certain specified locations, including all of the village mayors' offices. Additionally, under Bill 374 the Legislature ordered the Guam Election Commission to "immediately publish" in a newspaper of general circulation the availability of copies of Proposal A at these various locations.

26. The day after the Legislature passed Bill 374, on October 26, 2004, the Attorney General of Guam publicly announced that Bill 374 was legally ineffective under the express requirements of 2 G.C.A. § 2103, and publicly called on the Governor of Guam not to sign Bill 374 into law. See generally, Exhibit 5 to this Amended Complaint, incorporated herein by this reference, which consists of true and correct copies of selected newspaper articles and text versions of KUAM news stories published and broadcast on and after October 18, 2004, through and including November 2, 2004.

27. Governor Camacho signed Bill 374 into law the next day, which was October 27, 2004, three (3) working days prior to the November 2, 2004 election on Proposal A.

28. By the time the Legislature passed Bill 374, absentee and early voting on Proposal A had already begun. See generally, Exhibit 5 hereto.

29. The election on Proposal A went forward on November 2, 2004.

30. No notice of the availability of copies of Proposal A at the village Mayors' offices or at any other location was published by the Election Commission in any newspaper or anywhere else prior to or during the election. At least three (3) village Mayors did not receive copies of Proposal A from anyone prior to or during the election, and copies of Proposal A were not available and were not posted at these village Mayors' offices. On information and belief, no copies of Proposal A were posted at any village Mayor's office before or during the election.

COUNT I

DECLARATORY RELIEF

31. Plaintiff refers to and incorporates paragraphs 1 through 30 of this complaint as though fully set forth herein.

32. Plaintiff requests a declaratory judgment from the court on the legality of the results of the November 2, 2004 election on Proposal A.

33. Chapter 17 of Title 3 of the Guam Code Annotated ("G.C.A.") (the "Election Code"), §§ 17101 through 17514, is entitled "Initiative, Referendum and Legislative Submission." Section 17101 of the Election Code provides:

It is the intent of the Legislature through the enactment of this measure that the people of the territory of Guam shall have the right to exercise the power of initiative and referendum with regard to legislative matters and that the legislature shall submit matters to the voters for approval or rejection.

34. 3 G.C.A. § 17509 is entitled "Contents of Pamphlet." It provides as follows:

The Ballot pamphlets shall contain:

(a) A complete copy of any measure submitted to the voters by:

(1) The Legislature.

(2) Initiative or referendum petition.

(b) A copy of the specific statutory provision, if any, proposed to be affected.

(c) A copy of the arguments provided for in this Chapter.

(d) The analysis and ballot title provided for in this Chapter.

35. 3 G.C.A. §17511 is entitled "Mailing of Ballot Pamphlet". It provides:

As soon as copies of the ballot pamphlet are available, the Election Commission shall mail immediately the following number of copies to the following persons and places:

- (a) One copy to each registered voter;
- (b) One copy to each village Commissioner;
- (c) One copy to each judge of the Superior Court; and
- (d) One copy to each Senator.

36. Title 6 of the Guam Administrative Rules and Regulations ("G.A.R.") was adopted by the Guam Election Commission under Guam's Administrative Adjudication Law. See generally, Title 1, Guam Administrative Rules and Regulations, §§ 1101, 1102 (1997); 5 G.C.A §§ 9100 through 9312. 6 G.A.R. governs elections and the Election Commission.

37. 6 G.A.R. § 2112 is entitled "Ballot Pamphlets." It provides:

(a) The Director shall cause to be printed one and one-tenth (1-1/10) times as many ballot pamphlets as there are registered voters, to be available not less than thirty (30) days prior to the election at which an initiative measure is to be presented to the voters.

(b) The ballot pamphlets shall contain, in the following order:

- (1) On the first page, the ballot title described in 6 GAR § 2109;
- (2) Beginning on the next page, the analysis of the proposed measure, described in 6 GAR § 2111;
- (3) Beginning on the next page following the end of the analysis, the selected argument for the initiative measure provided such an argument has been submitted to the Commission;

(4) Beginning on the next page following the end of the selected argument for the initiative measure, the selected argument against the measure provided such an argument has been submitted to the Commission;

(5) Beginning on the next page following the end of the argument against the proposed measure, the complete text of the initiative measure;

(6) If, in the opinion of legal counsel to the Commission, any existing statutory provision or provisions would be affected by the measure, the text of the specific statutory provision or provisions affected shall be printed beginning on the next page following the end of the text of the initiative measure. [Law governing 3 GCA §§ 17508-17510.]

38. 6 G.A.R. §2114 is entitled "Mailing of Ballot Pamphlets." It provides:

Not less than thirty (30) days prior to the election in which an initiative measure is to be presented to the voters, and earlier if the ballot pamphlets are available before that date, the Director shall cause to be mailed the following number of copies of the ballot pamphlet to the following persons and places:

(a) One (1) copy to each voter registered as of the deadline for eligibility to vote in the election in which the initiative measure is to be submitted to the voters;

(b) One (1) copy to each village Commissioner;

(c) One (1) copy to each judge of the Superior Court; and

(d) One (1) copy to each Senator. [Law governing 3 GCA § 17511.]

39. Two years ago, in a Guam Supreme Court decision specifically addressing the administrative rules and regulations adopted by Guam Election Commission, Wade v. Taitano, 2002

Guam 16, the court wrote:

"[a]n agency does not have the authority to ignore its own rules." ... Regulations have the same legal effect as statutes ... and, "[w]hen an agency has the authority to adopt rules and does so, it must follow them." ... Therefore, an agency's procedural rules "are binding upon

the agency which enacts them as well as upon the public." ...
"Regulations governing procedure are just as binding upon both the
agency which enacts them and the public, and the agency does not,
as a general rule, have the discretion to waive, suspend, or disregard,
in a particular case, a validly adopted rule so long as such rule
remains in force." (internal citations omitted).

40. An actual, justifiable controversy existed before the November 2, 2004 election and continues to exist over the legal efficacy of the results of the vote on Proposal A. The controversy affected and continues to affect Plaintiff and all others similarly situated. Attached hereto as Exhibit 3 are true and correct copies of newspaper articles printed in the Pacific Daily News and the Marianas Variety as well as true and correct copies in written form of reports broadcast on television by KUAM news, all of which were printed or broadcast on and after October 7, 2004, the date the Attorney General's Office publicly disseminated its opinion letter.

41. Defendants deprived Plaintiff and all other similarly situated people of their fundamental right to vote in a fair and legal election on Proposal A by failing to comply with applicable Guam election laws and regulations in effect both before and after Public Law 374, which was, in any event, illegally passed by Guam's Legislature.

42. For the foregoing reasons, Plaintiff requests the court to enter a declaratory judgment that the results of the November 2, 2004 election on Proposal A are invalid.

COUNT II

ORDER COMPELLING SPECIAL ELECTION

43. Plaintiffs refer to and incorporate by reference paragraphs 1 through 42 of this complaint as though fully set forth herein.

44. Proposal A legally qualified for placement on the ballots the at the November 2, 2004 general election.

45. Defendants deprived Plaintiff and all other similarly situated people of their fundamental right to vote in a fair and legal election on Proposal A by failing to comply with Guam election laws and regulations.

46. The right to vote is a fundamental right guaranteed by the First and Fourteenth Amendments to the United States Constitution and by the Organic Act of Guam, § 1421(b). The First Amendment of the United States Constitution applies to Guam pursuant to 48 U.S.C. § 1421(b)(u).

47. The right of Plaintiffs and the people of Guam to exercise the right of initiative is guaranteed by the Organic Act of Guam, §1422(a), 48 U.S.C.A. § 1422(a), as amended ("the People of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam").

48. As a result of Defendants' actions, the results of the November 2, 2004 election on Proposal A are invalid under the Constitution of the United States, the Organic Act and under Guam law.

49. Under 3 G.C.A. §13103, the Governor has the power to call a special election on Proposal A, and thereby protect Plaintiffs and the people of Guam's fundamental right to vote, but he has refused to do so.

50. Under 3 G.C.A. §17203, the Legislature has the power to call a special election on Proposal A, and thereby protect Plaintiffs and the people of Guam's fundamental right to vote, but it has refused to do so.

51. The Attorney General is the Chief Legal Officer of the Territory of Guam, with standing and authority to institute legal proceedings to protect Plaintiffs and the people of Guam's fundamental right to vote right to vote, but no such legal proceedings have been instituted.

52. 3 G.C.A. §14103 of the Guam Elections Code provides that "(e)very person charged with the performance of any duty under the provisions of any law of this Territory relating to elections, who, in his official capacity, knowingly acts in contravention or violation of any of the provisions of such laws, is, unless a different classification is prescribed by this Title, guilty of a misdemeanor." 3 G.C.A. §14102 of the same elections code provides that "(e)very person who willfully violates any of the provisions of laws of Guam relating to any election is, unless a different

classification is prescribed by this Title, guilty of a misdemeanor." Under Guam law, 9 G.C.A. §80.34, a misdemeanor is punishable by imprisonment for up to one (1) year.

53. Acting under color of territorial law, the Defendants have deprived Plaintiff and all others similarly situated of their right to vote in a fair and legal election, which is a right and privilege secured by the Constitution of the United States and by the Organic Act of Guam. Pursuant to 42 U.S.C. §1983, the Defendants are liable to Plaintiffs in this action at law and in equity for any all and appropriate redress.

54. Under the circumstances of this case, no remedy other than declaratory relief and an order compelling a special election on Proposal A can (a) redress the deprivation of Plaintiff's fundamental right to vote in a fair and legal election, and (b) guarantee that Plaintiff and others similarly situated will not be deprived of their right to vote in future general elections on Proposal A.

WHEREFORE, Plaintiff and all others similarly situated pray for relief as follow:

1. For a judicial declaration that the results of the vote on Proposal A on November 2, 2004 are constitutionally invalid.

2. For an order compelling a special election on Proposal A, to be held not later than sixty (60) days after the date of the court's order, under the following procedure:

(a) That within twenty (20) days of the court's order, which will be forty (40) days before the election, the Election Commissioner and the Director appear before the court to

affirmatively demonstrate their readiness, willingness, and ability to meet all Guam election laws and rules applicable to special elections and to the people's right to initiative, specifically with regard to Proposal A.

(b) That within twenty five (25) days after the court's order, which will be thirty five (35) days prior to the special election, the Election Commission and the Director appear before this court to prove to the court's satisfaction that they have in fact complied with all Guam election laws and rules applicable to special elections and to the people's right to initiative, specifically with regard to Proposal A.

3. For costs of suit;
4. For attorneys' fees pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1988, or as otherwise permitted by law or pursuant to the court's inherent powers;
5. For such other relief as the court deems just, necessary and proper.

DOOLEY ROBERTS & FOWLER LLP

Dated: November 23, 2004

By: 

THOMAS L. ROBERTS

Attorneys for Plaintiffs Jay Merrill and
on his own behalf and on behalf of all other
similarly situated voters desirous of casting a
vote in favor of Proposal A at a fair and legal
election

CONFIRMATION

October 7, 2004

RE: GUAM CASINO GAMING CONTROL COMMISSION ACT

This Office has received a complaint regarding the manner in which the Government has implemented the Election Code of Guam pertaining to the Guam Casino Gaming Control Commission Act Initiative (Proposal A).

Upon preliminary review of the complaint, this Office is seriously concerned that there are material errors and omissions which have occurred that will prevent Proposal A from being legally presented to the voters on November 2, 2004 (General Election), and that will prevent Proposal A from withstanding a legal challenge that may be brought before, and will most certainly be brought after, the election. This Office believes that the will of the voters and citizens of Guam to determine the merits of Proposal A on November 2, 2004 may have been thwarted.

From the complaint, and our preliminary analysis and review, we understand the following facts:

1. the pamphlet (brochure) attached and identified as Exhibit A was mailed out by the Commission on or by October 3, 2004;

Guam Judicial Center, Suite 2-206E • 120 West O'Brien Drive • Hagåtña, Guam 96910 • USA
(671) 475-2224 • (671) 472-2493 (Fax) • www.guamattorneygeneral.com • law@mail.justice.gov.gu

EXHIBIT 2

~~October 7, 2004~~

Page 3

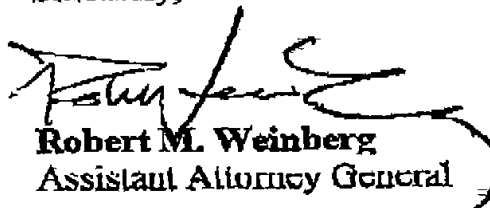
Mr. Gerald A. Taitano

October 7, 2004

defects can probably not be rectified to meet the needs of this particular election. However, there may be procedures available for setting another election date, but that may require the Governor or Legislature to call a special election.

It is imperative that we meet with the Attorney General no later than the close of business on Monday, October 11, 2004 in order to discuss this situation and the possible alternatives. Please feel free to contact me if you have any questions. The Attorney General's executive secretary, Ms. Joyce Siguenza, will be contacting you to arrange a convenient time to meet with our Office. Thanking you in advance, I am

Sincerely,

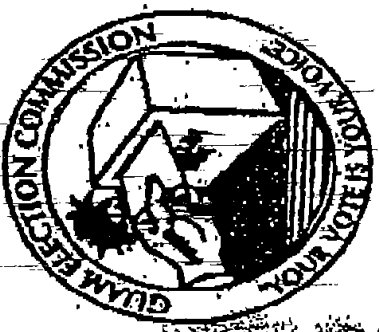


Robert M. Weinberg
Assistant Attorney General

Attachments (3)

cc: Cesar Cabot, Esq.

GENERAL
ELECTION 2004



Voters
Information
Pamphlet

Prepared by:
Guam Election Commission
P.O. Box BG
Hagatna, Guam 96932

414 West Soledad Avenue
Guam Capital Investment
Corporation, Inc.
Suite 200, 2nd Floor
Hagatna, Guam
(671) 477-5791 thru 4

Guam Election Commission
P.O. Box BG
Hagatna, Guam 96932

CONTROL GAMBLING ACTIVITIES
The Initiative enforces said guidelines, and provides for civil and criminal penalties for violations of these provisions. Further, the Initiative provides a mechanism by which the Commission shall control the issuance of gambling licenses, conduct hearings under the proposed Act, collect licensing and registration fees imposed by the proposed Act, and enact rules and regulations necessary in carrying out the Act.

The Ballot Format for the Initiative Question is as follows:

INITIATIVE MEASURE
SHALL PROPOSEAL A, AN INITIATIVE TO ESTABLISH THE GUAM CASINO GAMING CONTROL COMMISSION ACT, BE ADOPTED BY THE VOTERS OF GUAM?

VOTE "YES" OR "NO"
[] YES
[] NO

An Objective and Independent View of Proposal A
By Gerald A. Talano, Executive Director, Guam Election Commission

PROPOSAL A INITIATIVE MEASURE

This Initiative measure proposes to establish the Guam Casino Gaming Control Commission Act.

The Guam Casino Gaming Control Commission Act

This Act shall (1) allow for certain licensed casino gambling activities in approved Guam hotels; (2) create a 5-member Guam Casino Gaming Control Commission which (a) defines the gambling activities allowed, (b) promulgates rules and regulations regarding licensed gambling, (c) enforces said guidelines, and (d) provides for civil and criminal penalties for violations of these provisions; and (3) provide a mechanism by which the Commission shall (a) control the issuance of gambling licenses, (b) conduct hearings under the proposed Act, (c) collect licensing and registration fees imposed by the proposed Act, and (d) enact rules and regulations necessary in carrying out the Act.

In summary, this Initiative allows for certain licensed casino gambling activities in approved Guam hotels.

The Initiative creates a 5-member Guam Casino Gaming

EXHIBIT
A

tion keeps all licensing fees and gets 50% of the gambling taxes to "invest". Most income will be spent on the Commission. Prop A creates a new GovGuam agency with broad powers and little accountability. Numerous employees, travel and consultants will be required. \$500,000.00 of your money is spent just to start it. The law cannot be changed for two years. GovGuam is not capable of effectively "controlling" gambling. The numbers are plain fiction. The casinos opened in 1988 and have met expectations. No tax increase! No GIMM tax increase! Controls now being loosened. Gambling hasn't worked for the GIMM. It won't work for Guam. Major cannot have already said they won't come because Prop A allows 10 casinos in small hotels - too many for Guam. Prop A promotes riots in revenue and taxes and thousands of jobs. Their numbers are pure speculation, not based on any solid evidence. U.S. casino experts say Guam would earn only a fraction of CED claims. Prop A admits its numbers are "unrealistic." Don't be fooled by their numbers.

Prop A is bad for Guam. Casinos benefit few at the expense of everyone else. And we risk damaging the visitor industry we all worked so hard to build. Our economy is already recovering. Don't gamble our future on an unknown industry that benefits few, promises overnight riches and undeniably risks everything we have gained.

Be smart... not misled. Keep Guam Good. Vote NO on Prop A.

only gets a 5% tax while casinos keep 95% of revenue. Some states charge 8% tax. It's a bad deal, only casinos profit. Money spent in casinos is taken away from all other local businesses. Most tourists said they will vacation elsewhere if casinos come to Guam. Our largest Japanese travel agent agrees. We spent decades and billions of dollars to make the island a family vacation. We risk the family vacation and the Japanese market. The military and the U.S. Navy are concerned about the impact of gambling addiction. Casinos threaten our ability to maintain and increase military spending.

Prop A will harm our quality of life and children. When Guam had poker machines, children were neglected while parents gambled away earnings. Loan defaults skyrocketed. Residents lost savings, paychecks and even food stamps. Family violence, organized crime, prostitution, bankruptcy, and drug/alcohol abuse all increased. CED admits that 47% of Guam residents know someone with a gambling problem. Social costs average \$10,000 annually per problem gambler. Casinos will greatly increase the social costs, which we cannot control or afford now.

Prop A is a bad law that creates more government. Gambling will be "controlled" by 6 politically appointed Commissioners who can save 10 years, paid \$100,000 each plus unlimited expenses, and decide how fees and taxes are collected and spent. The Commission

the Governor and confirmed by the legislature to staggered terms; no Governor can appoint all the commissioners. At least two of the commissioners must be women, one must be a Certified Public Accountant, and another must have law enforcement experience. The regulations governing the commission will be as comprehensive as in any location in the United States. The commission will receive continual public, legal and financial scrutiny. Former FBI experts confirm the Act has the controls necessary to keep Guam's casinos crime free.

Passage of Proposal A will create a substantial new tax source that will be paid for by Guam's visitors. Revenue for the community will grow from 5% to 11% over four years, generating approximately \$10 million annually for Guam. Thousands of new jobs will be created to staff the casinos. Wages will be 10-15% higher than regular visitor industry wages. Fifty percent of gaming tax revenue will be spent on health care, education, public safety, cultural heritage, and the Mayor's Council. The other fifty percent will be held in trust by the Gaming Commission, to be spent on improving Guam's roads, water system, schools, and the hospital.

An Opponent's View of Proposal A

By Joaquin C. Ardo, Jr., Esq.
Communities Opposing Prop A
Lha'a Bin Casino

Proposal A will hurt our community. Under Bohn A. Guam

A Proponent's View of Proposal A
By Greg Schalle
Citizens for Economic Diversity

Passage of Proposal A will legalize controlled hotel casino gaming by amending the Guam Casino Gaming Control Commission Act. A maximum of 10 casino licenses will be issued, on a competitive basis, allowing casinos to be operated in hotels that contain a minimum of 100 rooms. Initially, it is expected only a few hotels will be granted licenses. The purpose of the Act is to provide an additional form of entertainment for visitors, enhance Guam's visitor industry, and generate revenue and employment for the people of Guam.

Passage of Proposal A will stimulate the creation of thousands of new jobs by assisting Guam's most established source of income - tourism. Surveys of Japanese visitors show that casinos are among their top five requested new attractions. Casino gaming has created more than \$3.5 billion in wages and benefits for residents of 47 American states and will generate tax revenues of approximately \$20 million annually over the next five years on Guam. Controlled casino gaming will attract investments that will build new attractions and make Guam a world-class visitor destination.

Passage of Proposal A will establish a self-funded commission of five members to oversee and direct the development and operation of Guam's casino hotels. The

PHOTOGRAPH

AG's Office says GEC not running clean campaign for Prop "A"

by **Ken Wetmore**, KUAM News
Thursday, October 07, 2004

You've watched, read, and heard advertisements opposing and supporting Proposal "A". The casino gaming initiative is one of the most talked about and debated issues for voters this November, but will Prop "A" make it on the General Election ballot? The Guam Attorney General's Office threw a curveball at the Guam Election Commission today, citing deficiencies in voter information pamphlets that were recently mailed to registered voters.

In a letter to GEC executive director Gerry Taitano assistant attorney general Robert Weinberg wrote after reviewing complaints from concerned citizens, the AG's Office believes there are material errors and omissions that will prevent Proposal "A" from being put to voters on November 2. The assistant AG cited four specific deficiencies with the voter information pamphlet that by law the GEC must mail to all registered voters.

Namely, the deficiencies cited are:

1. There is no Guam Casino Gaming Control Commission Act in the pamphlet. By law the GEC must mail the complete act along with the pamphlet to voters.
2. There is no analysis by the Commission in the pamphlet.
3. The "analysis" that is provided does not appear to be authored or acknowledged by legal counsel for the Commission as required by law.
4. The pamphlet lacks the three signatures of voters who submitted the opposition to Proposal "A", also required by public law.

"We're really just rather dismayed...that the Election Commission has sent this out," expressed Weinberg. "Under the law and under Election Commission's own rules and regulations they have to be done within 30 days of the election; this has to be sent within 30 days of the election."

Weinberg also said while he's open to suggestions from the GEC, he doesn't believe the problems can be fixed so Prop "A" can be voted upon on the General Election ballot for Decision 2004. "Even if it went forward and the Guam Election Commission said it's too late and we want to go forward with it, the problem is that someone could come in afterwards, either a Prop 'A' proponent or a Prop 'A' opponent and could come in, depending on how it goes, and challenge the law because it was not properly passed by the voters," he stated.

GEC executive director Taitano says he doesn't believe a challenge would succeed. "If you take a look at the precedent - the precedents that have been set in

past initiatives - we've followed the same format we've done the same procedures," he said confidently.

While the AG's Office maintains the pamphlet is insufficient to properly educate Guam's voters, Taitano says he believes Guam's voters are sophisticated and both sides of Prop "A" have done a good job of educating the public about the voter initiative. Taitano admits the law does require the mailing out of the entire proposal, but points out it is 80 pages long and the Guam Legislature did not give him the budget he requested. "If I as the executive director submit a budget to the Guam Legislature and the Legislature sees fit to exclude those items, then to me it's either a concession that I don't have to send out an 80-page document to every voter on this island, because it's not cost effective," Taitano said.

Speaking of expenses, Taitano says the ballots for the November 2 General Election have already been printed. He explained, "We printed 60,000 ballots, a tremendous expense, and we are not going to throw away those ballots because of you know because of some concerns that haven't been adjudicated. We are proceeding with this election - we are on schedule."

Taitano says he is handing the matter over to the GEC's legal counsel to handle. The AG's Office has asked for a meeting with the GEC no later than this coming Monday.

As far as how the main supporters and detractors of Proposal "A" reacted to the AG's Office's announcement, Citizens for Economic Diversity spokesperson Jay Merrill was not surprisingly crestfallen, but at the same time, optimistic. "Initially we were disappointed, but we contacted the Guam Election [Commission] and they said that they're fully confident that they followed the spirit of the law and they were confident that the election was going to proceed, so we were heartened by that," he said.

Merrill says there's much international interest in the outcome of the election and if Prop "A" fails for technical reasons it isn't going to reflect well on the community. He did say however, that his opposition on Prop "A", Communities Opposing Prop "A" has expressed a desire to join together with CFED in a lawsuit if necessary to ensure Prop "A" is on the General Election ballot.

Likewise, KUAM News spoke with COPA legal counsel Attorney Jay Arriola. "We want an election, we want this vote to go forward. We are confident that we will soundly defeat Prop "A" and we want the people to decide that, however, if the Guam Election Commission can't control an election an election its further evidence of the inability of our government to control certain things such as gaming by the same token however the need for this information is crucial," he said.

Arriola says he agrees with the Guam Attorney General that there are deficiencies with the voter information pamphlet but says he believes it may be possible to correct the deficiencies in time for Prop "A" to remain on the ballot.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Prop A vote hits snag

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

Lawmakers or the governor might have to call a special election to decide the casino-gaming issue, according to the attorney general's office, because the Guam Election Commission ap-

pears to have made several mistakes in the informational pamphlets that were mailed to voters last week.

Among other things, the Election Commission did not mail a complete copy of the 80-page casino proposal to registered voters, as required by Guam

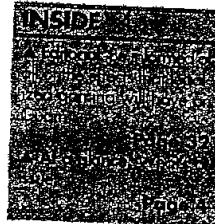
law, according to the attorney general's office.

The decision to send voters a single-page pamphlet appears to have been made unilaterally by commission Executive Director Gerald Taitano, who said he did not ask lawmakers for the money needed to

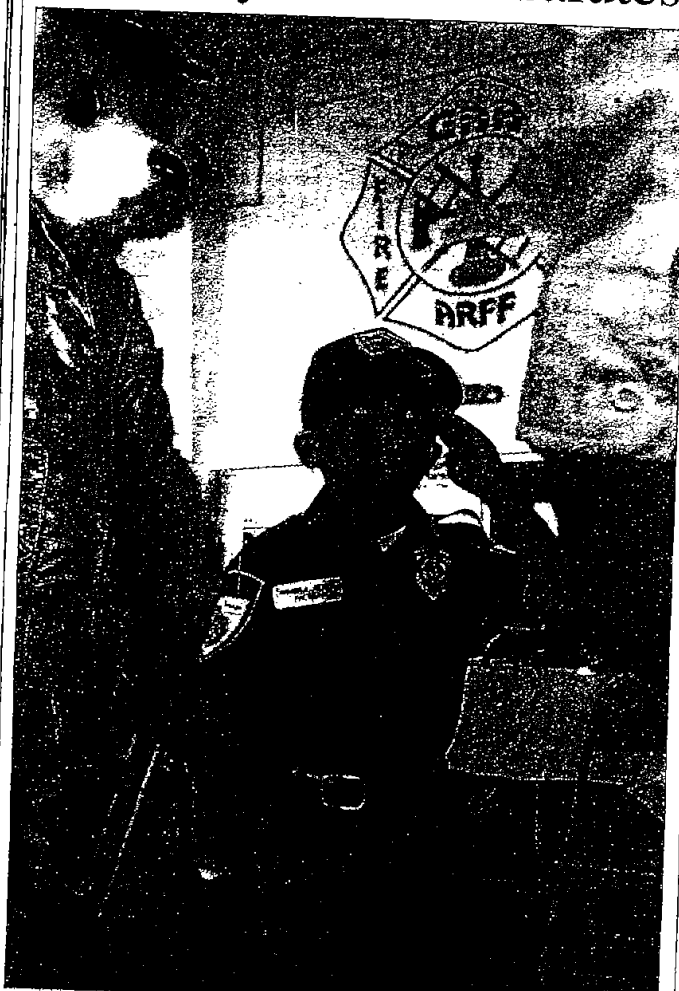
mail the full 80-page document to voters — a potential cost of more than \$100,000, according to the commission's legal counsel.

Taitano yesterday afternoon told the Pacific Daily News that the entire casino text was not included in the

▲ See **Vote**, Page 4



Honorary fire chief salutes



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Wish granted: Xavier Fernandez Reyes salutes Antonio B. Won Pat International Airport Authority Fire Chief Pedro Lizama after the 6-year-old was made the honorary airport fire chief yesterday. The youngster was having his wish granted through the Make-A-Wish Foundation.

▲ See story, Page 2

Gas prices head skyward again

By Katie Worth

Pacific Daily News
kworth@guampdn.com

Just when residents thought gasoline prices had finally taken a turn for the better, the island has been hit with another increase.

If you happened to go to the pumps yesterday, you probably noticed that Mobil stations were once again charging \$2.46 a gallon, after a brief reprieve at \$2.41.

Yesterday, an official at Shell Guam Inc. announced the company was going to follow suit as of midnight last night. And although an official at South Pacific Petrole-

INSIDE

▲ Gas prices leapt to \$2.46 a gallon, after a brief reprieve to \$2.41. Mobil Oil's gas prices had risen by yesterday morning, and Shell planned to raise its prices last night.

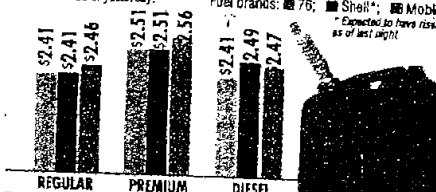
um Corp., which runs the 76 stations, couldn't say whether its prices also would rise, historically the three main gas retailers have moved prices in near synchronization.

All three companies lowered their prices to \$2.41 a

▲ See **Gas**, Page 4

THE COST OF GUAM'S GASOLINE

Fuel brands as of yesterday:



National prices as of yesterday:

NATIONAL AVERAGE	HIGHEST Hawaii	LOWEST South Carolina
Regular: \$1.94	Regular: \$2.36	Regular: \$1.82
Premium: \$2.14	Premium: \$2.54	Premium: \$2.03
Diesel: \$2.08	Diesel: \$2.51	Diesel: \$1.96

SOURCE: AAA, Web site: www.aaa.com

Oil Data/Pacific Daily News/Guam@guampdn.com

Bookmobile set to roll

The bookmobile starts trolling on Monday, thanks to a public-private partnership between the Guam Public Library System, the first lady's office, Matson Navigation Co. and South Pacific Petroleum Corp. Until repairs began

months ago, the bookmobile had been idle for years at the main Hagåtña library branch because of broken air conditioning, a leaking roof and lack of library personnel. The mobile library will bring books to readers in the villages.

INSIDE

▲ See story, Page 3

Guam PDN.com
Daily News
Source
to vote in to
the Daily News
question
be
shed
re next
d
n?
OK
Daily News
HE AIR
Get the
st news
you by the
Daily News
FM 95.5
News Monday
day at:
nd 9:30 a.m.
d 12:30 p.m.
3:30 p.m.
1.9 FM
News Monday
day at:
d 8:30 a.m.
3:30 p.m.
errine
ista, learn
rench cul-
make at
▲ See
story,
Page 34

lation
29
ge 18

Time: Everyday
By: DUB
(Download it Now)
(HOME)

www.guamcell.com

Vote: Special election may need to be held

▲ Continued from Page 1

pamphlet because lawmakers did not fund it. Later in the afternoon, he acknowledged that he did not ask lawmakers for the money needed to print and mail an 80-page pamphlet, nor did he intend to ask for it.

Taitano said he ruled out the possibility of mailing an 80-page casino proposal to voters because of the potential cost to the government.

Taitano said he did not ask the commission board to vote on the final version of the pamphlet or to approve his decision to leave the complete text out of the pamphlet.

Vice Speaker Frank Aguiar Jr., the Legislature's budget chairman, yesterday said the Election Commission asked for only \$25,000 in connection with the casino initiative. The governor last month transferred that amount to the commission so the single-page pamphlets could be mailed. Aguiar said the \$100,000 was not mentioned by the commission in its budget request.

It is too late to correct the alleged pamphlet flaws in time for the Nov. 2 General Election, according to the attorney general's office, because Guam law requires pamphlets to be mailed to registered voters at least 30 days before the question is put before voters.

Election Commission attorney Cesar Cabot yesterday said the commission disagrees with some of the statements made by the attorney general's office but acknowledged that the text of the proposal was intentionally omitted from the pamphlet because of the cost. Leaving it out was an administrative decision made by Taitano, and not by the commission board, Cabot said.

He said as far as the commission is concerned, the casino question still is on the General Election ballot, "until or unless a court of law tells us otherwise."

Jay Merrill, a consultant for Citizens for Economic Diversity, which

WHAT'S AT ISSUE

Here's what the attorney general's office says is wrong with the Proposal A pamphlet:

Pamphlet

▲ **The claim:** There is no Guam Casino Gaming Control Commission Act in the pamphlet.

▲ **What Guam law says:** "The Ballot pamphlets shall contain: (a) A complete copy of any measure submitted to the voters by: (1) The Legislature. (2) Initiative or referendum petition. (b) A copy of the specific statutory provision, if any, proposed to be affected." In addition, government regulations state that "the complete text of the initiative measure" must be printed in the ballot pamphlet, immediately after the argument against the measure, followed by the text of any existing laws that would be affected.

Analysis

▲ **The claim:** There is no analysis by the commission as required by law.

(According to Assistant Attorney General Robert Weinberg, the text in the pamphlet does not appear to meet the minimum requirements of the law).

▲ **What Guam law says:** "Whenever any measure qualifies for a place on the ballot, the Election Commission shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis shall not exceed five hundred (500) words, except with the approval of the Election Commission."

Legal counsel

▲ **The claim:** The "analysis" that is provided does not appear to be authored or acknowledged by legal counsel for the commission, as required by the government's Administrative Rules and Regulations.

▲ **What the regulations say:** "Legal counsel for the commission shall, not less than 45 days prior to the election at which an initiative measure is to be submitted to the voters, prepare an analysis of the measure, not to exceed 500 words in length. The analysis shall be impartial and shall show the effect of the measure on existing law and the operation of the measure."

Signatures

▲ **The claim:** The pamphlet lacks the three signatures of voters who submitted the opposition to Proposal A. Three signatures of voters were submitted, but only one name appears on the pamphlet, contrary to law.

▲ **What Guam law says:** "No more than three signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than three persons the signature of the first three shall be printed."

Pacific Daily News

wrote Proposal A, said it is premature to comment until the attorney general meets with the Election Commission to discuss the issues.

"Obviously, we're distressed at the prospect of having this election delayed or postponed for a long period of time. It's going to create a tremendous disappointment amongst our followers," Merrill said. "We've got 20,000 signatures from folks that say they support what we're doing. It's just amazing that the democratic process could be interrupted this way."

Attorney Jay Arriola, a spokesman for Communities Opposing Prop A, said the group believes the election should be held, but only if the law is followed and voters are given the opportunity to read the casino proposal before they vote on it. He called the commission's alleged failure "inexcusable."

"This is basic rules and procedures that they wrote, that they are all intimately familiar with, and that

they were warned they should comply with. I know, because we warned them," Arriola said. "I've never heard of a senator voting on a bill that he didn't read. Likewise, the public should not necessarily vote on an initiative that they haven't read."

The attorney general's office became involved in the issue after it received a complaint about the commission's actions, according to a letter sent to the commission yesterday by Assistant Attorney General Robert Weinberg.

Weinberg said he cannot comment on who filed the complaint, saying it was lodged by "a concerned citizen."

Arriola said COPA did not lodge the complaint. "But it really doesn't matter who did," he said. "Everybody has received this ballot pamphlet. It is woefully inadequate, and something's got to be done. And we certainly appreciate the attorney general's efforts to enforce the law."

The commission's failure to fol-

low Guam law and its own regulations could result in a legal challenge to the casino election, Weinberg said.

"This office believes that the will of the voters and citizens of Guam to determine the merits of Proposal A on November 2, 2004, may have been thwarted," Weinberg wrote.

His letter calls for the commission to meet with the attorney general by Monday in order to address the concerns.

Election Commission attorney Cabot said, "At this juncture, we respectfully do not agree with all of the issues and concerns that are raised by the attorney general. We will look into them very seriously and then we will get back to him."

One of the allegations states that the impartial analysis that was printed on the pamphlet might not have been written by the commission's legal counsel, as required by law. Cabot said he did write that analysis at the time the proposal was first submitted

to the Election Commission, so signatures could be gathered.

Cabot called the requirement to print the entire text of the proposal in the pamphlet an "unfunded mandate."

"The code does indicate that a complete copy of the measure is to be submitted to the voters. But here we're talking about 60,000 mailers, containing an initiative measure that is 80 pages in length," Cabot said. "So in order for us to fulfill the letter of the law, it would have cost over \$100,000."

When told that Taitano did not request the amount needed to mail an 80-page pamphlet to voters, Cabot said, "I can't speak to that. I'm not aware of what we asked for or didn't ask for in the budget. All that I know is this initiative measure was approved for placement on the ballot back in 2002. So this was an expense that had been expected and anticipated. It's obvious that we can only implement and carry out the rules that have the proper level of funding."

The Election Commission already has printed the General Election ballots, with the casino initiative on the first page. The commission plans to program its electronic voting machines this weekend to ask the casino question, Taitano said.

According to Pacific Daily News files, holding a special election would cost about \$200,000. If new pamphlets are needed, it would add another \$100,000 to the price tag, not including the \$25,000 that already was spent on the possibly flawed pamphlets.

Aguiar said if it is determined that the casino question cannot be decided during the Nov. 2 General Election, then lawmakers need to fund a special election, as a last resort, despite the additional cost.

"It's not a question of whether we can afford it," Aguiar said. "I think the people's desire, by virtue of the (Prop A) petitions, should be self-explanatory."

Gas: Prior weeks' lower prices called blip in radar

▲ Continued from Page 1

few weeks ago, with the gasoline representatives saying refined oil prices from Singapore had dropped slightly and they were hoping it was the start of a trend.

But Shell Guam President Phil Stalker said it was merely a blip in the radar. Yesterday, the price of crude oil reached a new all-time high of \$52 a barrel.

This is not good news for 34-year-old James Louis, who has the misfortune of living in Merizo and working in Harmon.

"I don't like the prices going up, because my place is too far, and I already spend \$30-some a week on gas," Louis said.

He said he's even considering moving up to a central village because driving back and forth to Merizo every day is just too costly.

Nursing student Jeanette Manibusan, 24, of Yigo didn't even know the prices had risen until she stopped to put \$11 worth of gasoline in her boyfriend's truck at the East Hagåtña Mobil station yesterday afternoon.

"Holy cow!" she yelled. "I think



Ric A. Eusebio/Pacific Daily News/eusebio@guampdn.com

Gulp: University of Guam nursing student Jeanette Manibusan, 24, of Yigo keeps her eye on the price gauge of a Mobil gas station gas pump yesterday as she fills up her boyfriend's Toyota 4x4 pickup in East Hagåtña.

it's kind of ridiculous. Considering I'm still a student and I'm not working, yes, it's a problem."

Even before the latest jump, she said, she and her boyfriend had begun

changing their driving habits in order to save money. Since the beginning of the semester, she said, they have been riding in a carpool rather than taking two cars each day. She said

she drops him off at work and then goes to school and the hospital for classes each morning, and then picks him up at the end of the day.

Though the gasoline prices appear to be heading upward again, she said she may have to accept it and pay more, because she's not sure what more she can do to cut costs.

"Of course it's going to be a problem, but what can you do?" she said. "I don't really have a choice — I have to go to school and to the hospital. I can't just not go because of the gas prices."

All-time high

International fuel prices have been soaring to new pinnacles in recent days. Last week, the cost of a barrel of oil reached the all-time high of \$50. Then, on Tuesday the prices reached a new high of \$51. In turn, that record was shattered yesterday, when the price of a barrel reached \$52.

Guam's gasoline companies have said the prices here are even higher than they are on the U.S. mainland because they buy their gasoline through Singapore, which has a great demand from China and other Asian countries. All three com-

panies receive their fuel from a single Singapore refinery, and fuel prices at most Guam gasoline stations have historically mirrored each other within a matter of days.

Both Shell's Stalker and South Pacific's President Brian Suhr said recent years' increase in gasoline prices haven't exactly been good for their businesses either.

"These kinds of prices are not good for us, either," Stalker said. "I'm not asking for sympathy here, I mean we're a big gas company, but it's certainly not good for our business. And your guess is as good as mine when it's going down again."

Suhr said South Pacific's sales indicate that people are becoming more conservative in their gasoline expenditures as prices go up.

"I believe people are more conscious about their gasoline usage and where they drive, and are cutting down on their usage to some extent. We have definitely seen a flat demand, at least for our company, but we haven't seen any sharp decline."

Several calls to Mobil Oil Guam's public affairs manager Cecilia Bamba Suda were not returned yesterday.



How are you learning about Prop A?

Personal research, including Web sites 11.1%

Through community forums 3.0%

Total votes: 135

Local news

\$5M grant to reduce substance abuse

Gov. Felix Camacho announced that the government of Guam will receive nearly \$5 million over a five-year period through a federal grant to reduce and prevent substance abuse on Guam. The grant comes from the U.S. Substance Abuse and Mental Health Services Administration and will support Guam's implementation of the Strategic Prevention Framework State Incentive Grant, which aims to build a solid foundation for substance abuse and mental health services.

Arbor Day poster winners announced

Nine students from the island's public and private schools were named winners this week in the 2004 Arbor Day poster contest. This year's Guam Arbor Day theme is "Plant a Tree, Protect a Reef." The winners of the kindergarten and third-grade category are Chris Benson of St. Anthony School, first place, and Quenay of Perez Elementary School, second

LOCAL

Kayakers' fam

By Gene Park

Pacific Daily News
epark@guampdn.com

This coming All Souls' Day, Janeyrose Cruz will remember her lost beloved brother. It's a day when many island residents will spend the day visiting graves and attending Mass on the Catholic holiday.

But there is no grave site for her brother, John Aguon, who is among the three men who remain missing after their kayaks were overcome by turbulent waves tossed by Tropical Storm Tingting in June.

Cruz can only presume that the watery grave of Piti Bay, which she and her family still visit often, is her brother's resting place. That's why Aguon's family and the families of the other men gathered yesterday at the beach site to remember their lost loved ones 100 days after the tragedy.

"With All Souls' Day coming up, we don't have a grave site to go to," Cruz said. "I guess the only place we can come is here."

On June 29, five men — Aguon, Mike Bautista, Roland Jose, Keith Brian Mendiola and Ed Uson — were last seen preparing pontoons for Guam Seawalker Tours, who employed some of the men. For reasons that remain unknown, the five men went out in three kayaks and were pounded by huge surf.

The bodies of Jose and Uson



Masako Watanabe/Pacific Daily News

Prayer service: Hally Lee, mother of as she holds five sticks of incense while Bay Marine Preserve yesterday. Jose of Guam Seawalker Tours were over June 29, the day after Tropical Storm Friends and family held a prayer service 100 days since the tragedy.

have been recovered. Rescue officials suspended recovery efforts of the other three on July 9.

It's during moments when Cruz finds herself alone — a long drive or getting ready for bed — that she thinks about her brother.

"We're still grieving," Cruz said. "We don't have a body. We can only

Make-A-Wish brings s



By Natalie J. Qui
Pacific Daily News
nquinata@guampdn

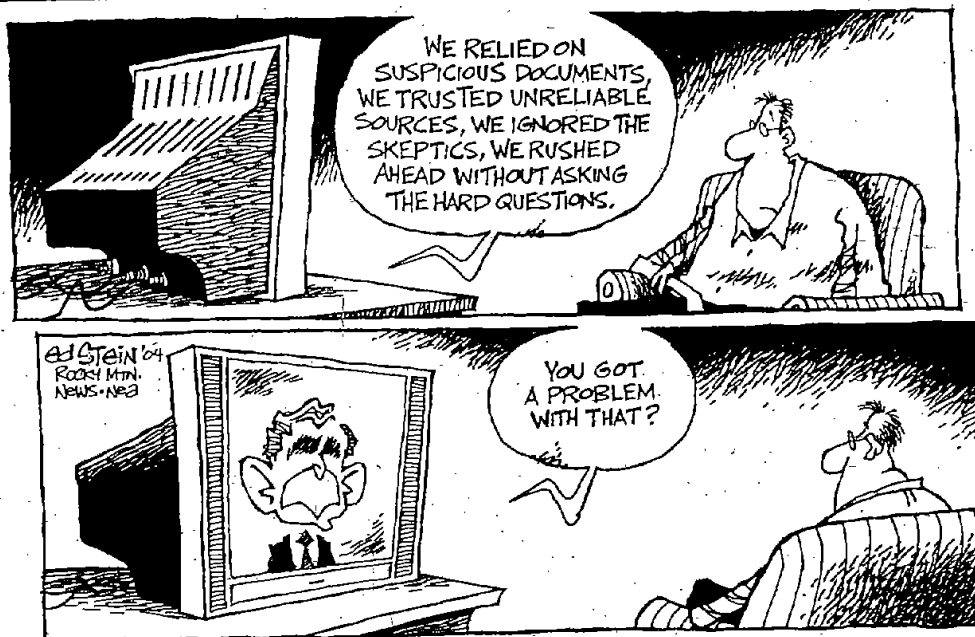
Six-year-old Xavier Reyes walked a little in his blue firefighter form yesterday with a bashful smile that he couldn't hide.

The Make-A-Wish Foundation granted Xavier's wish of being a firefighter yesterday at the Antor Won Pat International

What you must know

Be informed of all
of the effects that
legalized gaming
will have on Guam

Before you make up your mind on how to vote on Proposition A, you need to know more than just some of the economic benefits — you must know the full story and ALL the possible and potential effects that legalized gambling would have on the social and economic fabric of our community. There's a lot more to this than simple dollars and cents.



Singer soothes soul jarred by video illustrating child abuse

Support for Bantay Bata 163 is also gained through televised stories of children with serious medical cases brought on by abuse, neglect or impoverished conditions. Sponsors are then encouraged to step forward and pay for the kids' medical expenses. Groups and individuals from Guam have helped the organization

I pray for Bantay Bata 163's success and the many children and families ...

Jaya's tones are deep and sweet. And if you close your eyes and allow her melodies

I pray for Bantay Bata 163's success and the many children and families whose lives have been truly transformed by it. In my eyes, the program is definitely heaven-sent and worthy of community support. I'm already looking forward to the next benefit concert.

Norman Analista, 29, is a former news anchorman and a second-generation Filipino. Write him at analista@vzpacific.net.

Case 1:04-cv-00001-UNA Document 1-1 Filed 07/26/04 Page 1 of 1

If you have some insight on this topic and wish to share your viewpoint, or if you just want to join the discussion, we want to hear from you. Call 477-9711, ext. 415, fax 477-3079, or send e-mail to voice@guampdn.com.

Marianas Variety

Guam Edition

Vol. 01 No. 06
©2004 Marianas Variety

Friday • October 8, 2004

www.mvariety.com
Serving the Marianas for 32 Years **50¢**

Pamphlet flaws may stall casino poll

By Trina A. San Agustín
Variety News Staff

THE proposed casino initiative may not find itself in the Nov. 2 ballot unless defects in the voters' information pamphlets distributed by the Guam Election Commission are rectified, the Attorney General's Office warned yesterday.

Assistant Attorney General Robert Weinberg is seeking a meeting with GEC to discuss potential legal flaws on the casino information packets.

"It is very likely this (problem) will stop Proposal A from being on the ballot," Weinberg

told Variety.

In a letter to GEC executive director Gerald Taitano, Weinberg said AGO has received a complaint on the commission's procedures related to the Guam Gaming Control Commission Act Initiative, also known as Proposal A.

"Upon preliminary review of the complaint," Weinberg wrote, "this office is seriously concerned that there are material errors and omissions which have occurred that will prevent Proposal A from being legally presented to the voters on Nov. 2 general elections and that will

prevent Proposal A from withstanding a legal challenge that may be brought before and will most certainly be brought after the election."

Reacting to a Variety report in its Wednesday issue, AGO also noted that many people on island have not even received the brochure.

"A special election would require an appropriation by the legislature and I think that is where the legislature's role would come in," said Sen. Ben Pangelinan (D-Barrigada).

"The governor can call a special election but it is the legisla-



Douglas Moylan

ture that would have to appro-

Continued on page 2

Health care experts gather for medical symposium

By Mar-Vic Cagurangan
Variety News Staff

SCIENTISTS and health care experts from neighboring islands and Asian countries gather here today for the First Micronesian Medical Symposium which opens tonight at the Guam Marriott Resort.

The forum, hosted by the Guam Memorial Hospital Authority and cosponsored by the Guam Medical Society, is intended to provide medical education and training, foster shared health care dialogue and promote professional and regional health care alliances, GMH administrator Bill McMillan said. McMillan expects about 200 delegates to participate in the three-day forum billed "Alliances For Quality Care," where 20 guest speakers will present new medical research and treatment advances in the region.

There are experts from the mainland who will bare medical breakthroughs that will benefit patients in the region, he added.

McMillan said physicians and nurses would receive up to 20 Continuing Medical Education credits upon completion of the symposium.

"The nice thing about this is that since it is being held here travel is not an issue. It is affordable to our local professionals. Our doctors and nurses are required to attend continuing education and the symposium will

Continued on page 2

US panel begins study on radiation exposure on Guam

By Mar-Vic Cagurangan
Variety News Staff

THE Washington-based Board of Radiation Effects Research Committee has begun doing a research on the possible radiation exposure that Guam residents might have suffered as a result of the federal government's nuclear tests in Marshall Islands 50 years ago, according to the Pacific Association for Radiation Survivors.

PARS president Robert Celestial has received an e-mail from BRER director Dr. Isaf

Al-Nabulsi who was inquiring about the sources of milk and the residents' dairy consumption level during the period when the nuclear weapons were being tested in the Pacific.

Dr. Chris Perez, an officer of PARS, recalled that back in the 1950s, commercial milk was either not affordable or not locally available so the people on island were relying on goats and cows for their milk supply.

Cows and goats could be feeding on plants in environments where radioactive materials

might have fallen. Toxic elements that might have entered these animals' system could have been passed on to humans, Perez explained.

"The fact that the BRER committee is doing this research indicates that they are convinced that Guam may be a fallout area," Perez said.

Celestial said the result of BRER's study would help the panel determine Guam's possible inclusion into the Radiation Exposure Compensation Program as a "downwinder" or

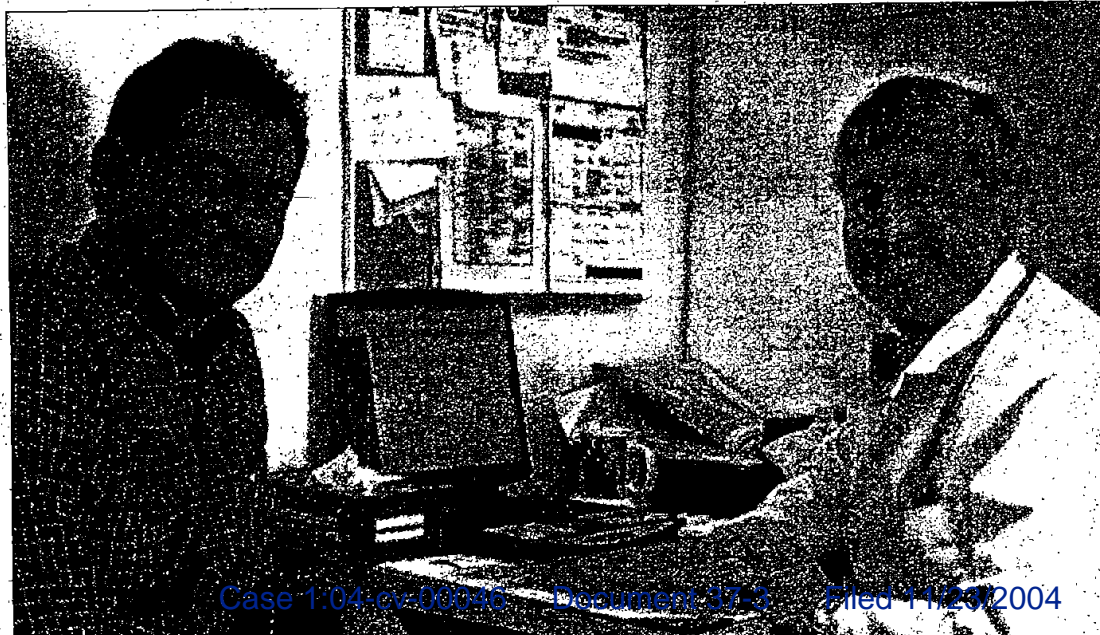
"fallout" site.

The U.S. Congress has so far approved Guam's inclusion into the program as a "washdown" area after taking into account the fact that nuclear-testing ships had anchored and cleaned in Guam's Apra Harbor for several months.

Celestial and Perez noted the huge number of cancer patients on Guam, purportedly as a result of possible radiation exposure.

"Unfortunately, we have no

Continued on page 2



Inside:

Guam super salesman honored p. 5
Marshall teachers fail test p. 10
Quiliches rise p. 14

Pamphlet...

Continued from page 1

appropriate the funds for one," he added.

The speaker of the legislature said cost estimates in the past have a \$100,000 price tag to hold a special election.

Weinberg pointed out four "material defects in the pamphlet."

First, there is no Guam Casino Gaming Control Commission in the pamphlet in violation of law which requires that the ballot pamphlets "contain a complete copy of any measure to be submitted by voters — by initiative or referendum petition."

Second, the analysis in the pamphlet that was sent out via mail does not appear to be authored or acknowledged by GEC legal counsel, additionally the GEC analysis is not provided, which is also required by law.

The AGO contends the pamphlet is lacking three signatures of voters who submitted the op-

position to the proposal. The GEC is required by law to mail out the informative pamphlets to all registered voters exactly 30-days before the Nov. 2 election.

Weinberg told Taitano that the 30-day window closed on Oct. 3 and the material defects can probably not be rectified to meet the needs of the general election.

"However, there may be procedures available for setting another election date, but that may require the governor or the legislature to call a special election," according to yesterday's letter.

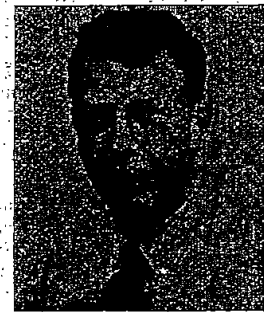
The AGO feels that the material errors and omissions in the pamphlet will prevent the proposal from being legally presented to voters on Nov. 2. Weinberg also stated that it would prevent the proposal from withstanding a legal challenge either before or after the general election as of press time the AGO requested meeting had not been scheduled.

Health...

Continued from page 1

give them an opportunity to do it here at home," McMillan said.

The symposium will also provide health care profes-



Bill McMillan

sionals with training on areas that deal with bio-terrorism, conflict resolution in health care, prevention and treatment

of depression, suicide, diabetes, pediatric toxicology, and vascular disease, and up-to-date information on pain management and hormone replacement therapy for women.

Health care experts will also assess the nursing shortage in the region.

"We hope to be able to establish this as annual symposium. We expect to see our colleagues from our neighboring islands. This will give everybody a chance to weave a network and to update their knowledge," he added.

Expected to attend the symposium from the region are health care professionals from the Northern Marianas, Palau and Yap among others.

The symposium opens at 6 p.m. tonight and ends at 5 p.m. Sunday.

US Panel...

Continued from page 1

scientific data to establish that one's cancer was a result of radiation exposure or caused by other agents. You can't tell the difference," Perez said.

Not easy

Celestial said it's not easy to get accurate statistics on cancer-related deaths on Guam because some of the cancer victims, who were on island 50 years ago, had moved to other states, where they might have passed away.

"What we want to find out is whether the BRER committee can determine sufficient radiation fallout here to recommend to Congress that Guam be included in downwinder studies," he added.

who were exchanging warnings that radiation were drifting toward these islands.

"What I would like to know is if there was any scientific criteria to determine that a jurisdiction falls under the downwinder status," Perez said.

Perez and Celestial noted that Hawaii and Utah had been included in radiation compensation programs as downwinder sites without Congress requiring them to submit any scientific proof of their claims.

"It seems like a political decision. I believe that the states and counties with voting representatives in Congress succeeded in their pushing for their claims," he said.

BAGHDAD, Iraq (AP) — U.S. authorities raised the security alert in the heavily guarded Green Zone after an improvised bomb was found in front of a restaurant there, officials said Thursday. Twenty Iraqis were arrested in the north in operations against those suspected of planting bombs against U.S. and Iraqi targets.

Elsewhere, one American soldier was killed and two others were wounded when a bomb exploded late Wednesday near their convoy outside the insurgent stronghold Fallujah. Four U.S. Marines and three Iraqi soldiers were reported injured in an operation to crush insurgents south of Baghdad.

About 240 detainees, meanwhile, were released from U.S. and Iraqi custody Thursday, the U.S. military said. It was the fourth round of releases under a joint U.S.-Iraqi review process set up Aug. 21 following the prisoner abuse scandal at Abu Ghraib prison.

The publication in April of photographs showing naked, terrified Iraqi prisoners being abused and humiliated by grinning American guards at Abu Ghraib caused outrage here and internationally.

None of those freed Thursday were so-called high-value detainees, who are processed separately from the 1,700 "security detainees" held at the Abu Ghraib facility near Baghdad and Camp Bucca in southern Iraq, said Lt. Col. Barry Johnson, a military spokesman.

The warning to Americans and Iraqi officials in the Green Zone followed the discovery Tuesday of an explosive device at the Green Zone Cafe, a popular hangout for Westerners living and working in the compound — which houses major U.S. and Iraqi government offices. A U.S. military ordinance detachment safely disarmed it, U.S. officials said.

A loud explosion shook the Green Zone on Thursday afternoon and smoke was seen rising from inside the compound. The U.S. military had no immediate information on the incident. Insurgents regularly fire at the compound.

Center to conduct a study on Guam's possible radiation exposure.

"From there, we can determine if there is a risk for cancer increased as a result of

Americans living and working in the zone were warned to avoid non-essential movements, travel in groups and avoid specific areas.

Although movements in and out of the Green Zone are restricted, about 10,000 Iraqis live inside the 4-square-mile district, located along the western side of the Tigris river.

In Mosul, the U.S. military said American and Iraqi forces detained 20 people in operations in northern Iraq and foiled a roadside bombing Wednesday in the city of Tal Afar, scene of intense fighting last month between U.S. soldiers and insurgents.

A U.S. demolition team defused a homemade bomb found beneath an Iraqi police car, the U.S. command said. Eight people were arrested in raids in Tal Afar, and Iraqi National Guard troops seized two grain sacks full of dynamite, two-way radios used to detonate roadside bombs and other materials, U.S. authorities said.

Twelve other people were arrested in a series of raids in Mosul, the U.S. command said.

Homemade bombs, including those rigged in cars and trucks, have become an increasing threat to multinational and Iraqi forces because insurgents find them safer than other forms of attack that can draw devastating American return fire. In September, 29 Iraqi and multinational troops were killed by car bombs, according to the U.S. command, which did not break down the figure by nationality.

On Wednesday, a suicide car bomber slammed into an Iraqi military checkpoint northwest of Baghdad, killing 16 Iraqis and wounding about 30, Iraqi officials said. The attack occurred near an Iraqi National Guard camp near Anah, 160 miles northwest of Baghdad on the main highway to Syria. According to the U.S. military, the camp came under fire, and a few minutes later a vehicle sped to a nearby National Guard checkpoint and exploded.

U.S. and Iraqi forces are trying to restore enough control so that national elections can be held in January. The election is considered a vital step toward building Iraqi democracy. President Bush and Prime Minister Ayad Allawi insist the balloting will take place

throughout the country, despite warnings by some U.S. military officials that elections in some areas may not be possible.

As part of the new security push, more than 3,000 U.S. and Iraqi forces are trying to clear an insurgent stronghold in a string of towns and villages just south of Baghdad, notorious for kidnappings and ambushes.

A statement by the U.S. command Thursday said 17 suspected insurgents were captured the day before in two joint raids by U.S. and Iraqi troops around Haswah and Iskandariyah, both about 30 miles south of Baghdad.

Since the operation began Tuesday, four U.S. Marines, three Iraqi National Guard members and three civilians have been injured, U.S. officials said. Raids since Tuesday have yielded 18 500-pound bombs, 197 rocket propelled grenades, dozens of mortar shells and military supplies, the command said.

As military operations continue, the Iraqi government is reported close to an agreement with followers of Muqtada al-Sadr to end weeks of fighting in his stronghold of Sadr City, a teeming Shiite slum in northeastern Baghdad.

Allawi told reporters Wednesday that a committee was being formed to discuss what he termed an "initiative" to end the conflict. Kareem al-Bakhti, a pro-al-Sadr tribal elder, said the framework agreement calls for al-Sadr's militiamen to turn in their weapons in exchange for cash payments and immunity from prosecution for most of them.

Iraqi police would take over security responsibilities in Sadr City and American forces would enter the district only with the approval of Iraqi authorities, he said.

Some al-Sadr aides expressed reservations about some of the conditions, and the fiery cleric, whose Mahdi Army launched bloody uprisings in April and August, has frequently zig-zagged in negotiations. A senior al-Sadr follower, speaking on condition of anonymity, said his side rejected the proposal because it did not include a halt to arrests, the release of prisoners or an end to house raids.

Late-Breaking News

US raises security alert in Green Zone

BAGHDAD, Iraq (AP) — U.S. authorities raised the security alert in the heavily guarded Green Zone after an improvised bomb was found in front of a restaurant there, officials said Thursday. Twenty Iraqis were arrested in the north in operations against those suspected of planting bombs against U.S. and Iraqi targets.

Elsewhere, one American soldier was killed and two others were wounded when a bomb exploded late Wednesday near their convoy outside the insurgent stronghold Fallujah. Four U.S. Marines and three Iraqi soldiers were reported injured in an operation to crush insurgents south of Baghdad.

About 240 detainees, meanwhile, were released from U.S. and Iraqi custody Thursday, the U.S. military said. It was the fourth round of releases under a joint U.S.-Iraqi review process set up Aug. 21 following the prisoner abuse scandal at Abu Ghraib prison.

The publication in April of photographs showing naked, terrified Iraqi prisoners being abused and humiliated by grinning American guards at Abu Ghraib caused outrage here and internationally.

None of those freed Thursday were so-called high-value detainees, who are processed separately from the 1,700 "security detainees" held at the Abu Ghraib facility near Baghdad and Camp Bucca in southern Iraq, said Lt. Col. Barry Johnson, a military spokesman.

The warning to Americans and Iraqi officials in the Green Zone followed the discovery Tuesday of an explosive device at the Green Zone Cafe, a popular hangout for Westerners living and working in the compound — which houses major U.S. and Iraqi government offices. A U.S. military ordinance detachment safely disarmed it, U.S. officials said.

A loud explosion shook the Green Zone on Thursday afternoon and smoke was seen rising from inside the compound. The U.S. military had no immediate information on the incident. Insurgents regularly fire at the compound.

Americans living and working in the zone were warned to avoid non-essential movements, travel in groups and avoid specific areas.

Although movements in and out of the Green Zone are restricted, about 10,000 Iraqis live inside the 4-square-mile district, located along the western side of the Tigris river.

In Mosul, the U.S. military said American and Iraqi forces detained 20 people in operations in northern Iraq and foiled a roadside bombing Wednesday in the city of Tal Afar, scene of intense fighting last month between U.S. soldiers and insurgents.

A U.S. demolition team defused a homemade bomb found beneath an Iraqi police car, the U.S. command said. Eight people were arrested in raids in Tal Afar, and Iraqi National Guard troops seized two grain sacks full of dynamite, two-way radios used to detonate roadside bombs and other materials, U.S. authorities said.

Twelve other people were arrested in a series of raids in Mosul, the U.S. command said.

Homemade bombs, including those rigged in cars and trucks, have become an increasing threat to multinational and Iraqi forces because insurgents find them safer than other forms of attack that can draw devastating American return fire. In September, 29 Iraqi and multinational troops were killed by car bombs, according to the U.S. command, which did not break down the figure by nationality.

On Wednesday, a suicide car bomber slammed into an Iraqi military checkpoint northwest of Baghdad, killing 16 Iraqis and wounding about 30, Iraqi officials said. The attack occurred near an Iraqi National Guard camp near Anah, 160 miles northwest of Baghdad on the main highway to Syria. According to the U.S. military, the camp came under fire, and a few minutes later a vehicle sped to a nearby National Guard checkpoint and exploded.

U.S. and Iraqi forces are trying to restore enough control so that national elections can be held in January. The election is considered a vital step toward building Iraqi democracy. President Bush and Prime Minister Ayad Allawi insist the balloting will take place

throughout the country, despite warnings by some U.S. military officials that elections in some areas may not be possible.

As part of the new security push, more than 3,000 U.S. and Iraqi forces are trying to clear an insurgent stronghold in a string of towns and villages just south of Baghdad, notorious for kidnappings and ambushes.

A statement by the U.S. command Thursday said 17 suspected insurgents were captured the day before in two joint raids by U.S. and Iraqi troops around Haswah and Iskandariyah, both about 30 miles south of Baghdad.

Since the operation began Tuesday, four U.S. Marines, three Iraqi National Guard members and three civilians have been injured, U.S. officials said. Raids since Tuesday have yielded 18 500-pound bombs, 197 rocket propelled grenades, dozens of mortar shells and military supplies, the command said.

As military operations continue, the Iraqi government is reported close to an agreement with followers of Muqtada al-Sadr to end weeks of fighting in his stronghold of Sadr City, a teeming Shiite slum in northeastern Baghdad.

Allawi told reporters Wednesday that a committee was being formed to discuss what he termed an "initiative" to end the conflict. Kareem al-Bakhti, a pro-al-Sadr tribal elder, said the framework agreement calls for al-Sadr's militiamen to turn in their weapons in exchange for cash payments and immunity from prosecution for most of them.

Iraqi police would take over security responsibilities in Sadr City and American forces would enter the district only with the approval of Iraqi authorities, he said.

Some al-Sadr aides expressed reservations about some of the conditions, and the fiery cleric, whose Mahdi Army launched bloody uprisings in April and August, has frequently zig-zagged in negotiations. A senior al-Sadr follower, speaking on condition of anonymity, said his side rejected the proposal because it did not include a halt to arrests, the release of prisoners or an end to house raids.

Pacific Daily News

©2004 Guam Publications, Inc.

A Gannett Newspaper

Vol. 35 NO. 252 HAGATNA, GUAM, OCTOBER 9, 2004

HAGA ADAL IT'S SATURDAY

guampdn.com

75¢ on Guam

Residents split on Prop A

Officials to discuss possible vote delay on Monday

By Oyaol Ngirairiki

Pacific Daily News
ongirairiki@guampdn.com

Tour bus driver Tony Porfika said he wants to wait.

Resident Rose David is ready to decide next month.

Cab driver Albert Eata is unsure of what the government should do, but knows how he's going to vote "No" on Proposition A, when island residents get to vote on it.

TO THE POINT

▲ Residents have a range of opinions about the possible delay on the Proposition A vote.

Currently, some island residents still expect to vote on Proposition A on Nov. 2. But concerns about the information provided to residents about Proposition A, which would allow regulated casino gaming in as many

as 10 large Guam hotels, may delay the vote.

On Monday, the attorney general's office and the Election Commission is expected to meet and address some concerns, which may move the vote on Proposition A by months to years.

Two days ago, the attorney general's office said lawmakers may have to call a special election to decide the casino-gaming issue because of several mistakes in the informational pamphlets that were mailed to voters

last week.

Among other things, the Guam Election Commission did not mail a complete copy of the 80-page casino proposal to registered voters, as required by Guam law, which may have cost more than \$100,000, the commission's legal council has stated.

Instead, the Election Commission sent out single-page pamphlets that provides a summary of the proposal,

▲ See Gaming, Page 4

Mueller pleads not guilty

By Theresa Merto

Pacific Daily News
tmerto@guampdn.com

A man accused of receiving obscene, sexual visual depictions of minors pleaded not guilty to charges yesterday in the District Court of Guam and was released despite an objection from the government.

Stephen Remy Mueller appeared in District Court before Judge Joaquin Manibusan for an initial appearance and arraignment hearing. A federal grand jury on Wednesday handed down the indictment against Mueller accusing him of receiving digital images over the Internet in May of minors engaging in sexually explicit conduct. He was charged with receipt of child pornography and possession of obscene visual representations, the indictment said.

The assistant U.S. attorney handling the case has said federal officials received a tip that the visual images were seen on Mueller's computer. A search warrant was executed and a forensics expert was able to access the images by looking at the

▲ See Case, Page 4

TO THE POINT

▲ A man indicted on child pornography charges pleaded not guilty yesterday in the District Court of Guam.

Hearing: Stephen Remy Mueller, who has been accused of receiving and possessing child pornography through the Internet, leaves the U.S. District Court of Guam after his initial appearance yesterday.



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com



Quitting is such a drag

After smoking for 20 years, Duane George is trying to quit. In a weekly column, the editorial editor at the Pacific Daily News will write about his efforts to kick the habit.

▲ See story, Page 20

Officials eye gas pricing

With the rising cost of gasoline on Guam, Attorney General Douglas Moylan and Vice Speaker Frank Aguon Jr. will meet next week to discuss possible funding sources for an anti-trust attorney. The attorney would serve as a watchdog over the pricing of gasoline at the pump, but appropriation was not made for the AG office's fiscal 2005 budget.

▲ See story, Page 8



Don't forget to vote in the Pacific Daily News special election.

Have you read the Guam PDN yet?

Subs from yesterday's PDN are on Page 2.

Irritated athlete

Union resident Hiroko Evans, who enjoys to, admires the pure nice spirit of sports.

▲ See Sports, Page 40



Warriors win

St. Paul Christian School Warriors tied on top of the Taga in the regular season of the IIAAG Girls' Volleyball League. Coach Arrido is disappointed his team won't be competing in the Far East tournament next month.

▲ See Sports, Page 40



side

Nobel Peace Prize awarded to environmentalist

Page 10

LOCAL

Gaming: Some ready for Nov. 2 vote

▲ Continued from Page 1

which Portka and other residents said does not provide adequate information about the proposal.

"Eighty-two pages ... and they fit it into one page," the Guam Sanko Transportation bus driver said, adding that he personally doesn't gamble but is willing to consider "controlled casino gambling" proposed by Proposition A.

"But I haven't even seen (the proposal) and I'm sure there are things in it that people have to be aware of before they can make a decision that's good for the entire island," Portka said.

Local businessman Prakash Hemlani, who manages the family-owned Rocky Mountain Chocolate Factory in Tamuning's Guam Premiere Outlets, said he thinks more information should be provided in the form of the proposition itself but also in public discussions and debates.

"Really, the information in the pamphlets that the supporters of casino gambling and the groups against it are passing out are basically general education and provide no depth on the issue," Hemlani said.

"We need to have the two sides come out and debate their sides so that we can see the best and the worse of the issue and make educated decisions when the time comes to vote."

The store manager said he personally is in favor of finding other means to speed up the nearly decade-long economic slump that the island has been in, and while casino-gambling may bring in some additional money, there is much that needs to be discussed.

Hemlani, who also deals in real estate, said the ice cream shop stands to lose money if residents and tourists decide to spend their money at the casinos. But he anticipates that real estate business will pick up if Proposition A is approved.

"I'm kind of yes and no



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

'Wait on vote': Tony Portka, 28, a bus driver for Guam Sanko Transportation, said he thinks voting on Proposition A should be postponed.

when it comes to casino gambling. ... and I would like to see more information to help me make my decision. I think we should hold off on voting," Hemlani said.

David argues that casino gambling has been an issue of public debate for decades on Guam and the residents are "smart enough to know the good and the bad" about casino gambling and are more than ready to vote on Nov. 2.

whether they receive summary pamphlets or the entire proposal from the Election Commission.

"Right now, I think everyone can say its going to bring more money to the island. They're just worried its also going to bring crime and a lot of bad habits," David said. "But there's already crime and you already have people spending their hard-earned money on other things and failing to pay their rent."

"Really, what it comes

down to is personal discipline ... and if people decide to go for broke then that's up to them," the Tamuning resident said, who will vote "Yes" on Proposition A.

"We need to have the two sides come out and debate their sides ..."

Prakash Hemlani
businessman

"Face it, it's a recreational thing and it'll provide additional entertainment for the island."

According to a recently released Spectrum Gaming Group report, casinos would add as many as 2,085 jobs to the local economy, with 1,388 of those employees working directly for casinos.

The casinos could take in as much as \$106.7 million a year, the report states, including \$15.3 million from

local residents.

The report projects that more than 41,000 local residents and more than 480,000 tourists would visit casinos each year, with local residents gambling as many as nine times per year.

Those revenue projections are based on the assumption that the island will have 1.6 million visitors — a figure that is about 300,000 more than Guam's current record for visitor arrivals.

A group against Proposition A, Communities Opposing Prop A, also announced that it will bring an expert on the gaming industry, University of Nevada Las Vegas professor William N. Thompson, to Guam later this month to talk about the economic impact of casino gaming on Guam.

Cab driver Eata, 33, said all the studies and all the debates won't sway his vote.

"I don't gamble," Eata stated simply. "I don't have to read a proposal or hear how much money the supporters think its going to bring in. I don't like gambling and so I'm going to vote 'No.'"

TO LEARN MORE

PROPOSITION A

▲ To learn more about Proposition A, call Citizens for Economic Diversity at 647-CFED (2333) or visit its Web site, www.guamgaming.com.

OPPOSITION

▲ To learn more about Communities Opposing Prop A, call 472-COPA (2672) or visit its Web site at www.copaguam.com.

WHAT'S AT ISSUE

Here's what allegedly is wrong with the Proposal A pamphlet, according to the attorney general's office: Pamphlet

▲ The claim:

There is no Guam Casino Gaming Control Commission Act in the pamphlet.

▲ What Guam law says about that: "The Ballot pamphlets shall contain: (a) A complete copy of any measure submitted to the voters by: (1) The Legislature, (2) Initiative or referendum petition, (b) A copy of the specific statutory provision, if any, proposed to be affected." In addition, government regulations state that "the complete text of the initiative measure" must be printed in the ballot pamphlet, immediately after the argument against the measure, followed by the text of any existing laws that would be affected.

Analysis

▲ The claim: There is no analysis by the commission as required by law. (According to Assistant Attorney General Robert Weinberg, the text in the pamphlet does not appear to meet the minimum requirements of the law).

▲ What Guam law says about that: "Whenever any measure qualifies for a place on the ballot, the Election

Commission shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis shall not exceed five hundred (500) words, except with the approval of the Election Commission."

Legal counsel

▲ The claim: The "analysis" that is provided does not appear to be authored or acknowledged by legal counsel for the commission, as required by the government's

Administrative Rules and Regulations.

What the regulations say about that:

"Legal counsel for the commission shall, not less than 45 days prior to the election at which an initiative measure is to be submitted to the voters, prepare an analysis of the measure, not to exceed 500 words in length. The analysis shall be impartial and shall show the effect of the measure on existing law and the operation of the measure."

Signatures

▲ The claim: The pamphlet lacks the three signatures of voters who submitted the opposition to Proposal A. Three signatures of voters were submitted, but only one name appears on the pamphlet, contrary to law.

▲ What Guam law says about that: "No more than three signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than three persons the signature of the first three shall be printed."

Pacific Daily News

Election 2004

Case: Arguments heard over suspect's flight risk

▲ Continued from Page 1

computer's hard drive.

During the hearing yesterday, Mueller was represented by attorney Howard Trapp while Assistant U.S. Attorney Karen Johnson represented the government.

Manibusan advised Mueller of his rights, including his right to retain counsel of his choice and the right to not make any statement. After the judge asked Mueller a series of questions including whether he has received a copy of the indictment and whether he understands the nature of the charges, Trapp entered a "not guilty" plea on behalf of the client.

The issue of whether Mueller

WHAT'S NEXT

▲ The jury selection and trial for Stephen Remy Mueller is scheduled for 9:30 a.m. Nov. 30 in the District Court of Guam. The pre-trial conference is scheduled for Nov. 12.

should be released pending trial was then argued.

Johnson brought a copy of a report from the Bureau of Prisons that contained a survey of 54 inmates who were charged with child pornography. Forty-three of the 54 inmates admitted to at one point physically sexually abusing children, Johnson said citing the report.

Based on the report, Johnson asked the judge yesterday that a psychological profile be conducted on Mueller to determine whether he is a danger to the community.

"The government opposes his release at this time," Johnson said.

Trapp, however, said the government has no authority to have Mueller evaluated, adding that he will advise his client not to talk to anyone about the case.

"He has the right to remain silent," Trapp said. "We certainly object to any psychological evaluation."

He said there is no such appearance in the case against Mueller that he had sexual contact with minors. Trapp said his client is depend-

able in following instructions, adding that Mueller has been cooperative with the probation office, federal marshals and the court itself.

"If he was going to take off, he would have done it by now," Trapp said.

"My client is very, very worried about this," Trapp said referring to the case before the court, adding that Mueller has never been in trouble with the law before.

"He should be released pending trial," Trapp said.

In response, Johnson said she opposes his release because he is no longer employed and has no ties to Guam, and she has reason to believe that he may be a danger to the

community. Following his indictment, Mueller — who was working for a company contracted to Andersen Air Force Base — was denied access to the base.

Manibusan said that although the defendant has lost his job, that doesn't mean he will become a flight risk, nor does it mean he poses a threat. Mueller was released pending trial.

His trial date has been scheduled for Nov. 30. The pre-trial conference is scheduled for Nov. 12.

As part of his release, Mueller cannot have any contact with minors. Manibusan said if this condition or any of the conditions are violated his pre-trial-release will be revoked.



LOCAL

Local news editor: David V. Crisostomo, 477-9711, ext. 414
 or Dumathol Deleno, 477-9711, ext. 417
 Gene Park, 477-9711, ext. 412
 News tip hot line: Call 475-NEWS
 e-mail: news@guampdn.com

Renaming ceremony held

By **Natalie J. Quinata**
Pacific Daily News
 nquinata@guampdn.com

After two years of hard work, the family of the late Honorary Brig. Gen. Tomas R. Santos yesterday dedicated the Guam Army National Guard Readiness Center to their late father and grandfather.

The Brigadier General Tomas R. Santos Army National Guard Readiness Center is home to Guam's largest infantry unit, which is at least 500 soldiers of the 1st Battalion 294 INF (LIGHT), said Cpt. Romeo Delfin of the Guam Army National Guard.

The building is the first of four phases of readiness centers that house administrative offices which ensure that Guam's units are continuously ready for deployment in the case of a military emergency.

Patricia Sison, Tomas Santos' eldest daughter, spoke proudly of her father and his accomplishments at yesterday's renaming ceremony.

Born in 1909, Tomas R. Santos enlisted in the Guam militia in 1925, at the age of 14. He was then appointed and commissioned as an officer in 1934 and served as a commanding officer of the 1st Battalion Reserves.

After his service in the military, Santos continued on to serve as a senator in the 5th, 8th, and 11th Guam Legislatures, in addition to being a teacher and later a principal.

His achievements include such titles as honorary brigadier general of the Guam National Guard and the first Chamorro Postmaster for the island.

"Our dad is a great man. He achieved a lot of things for the people of Guam," Sison said proudly of her father.

To ensure that reservists are ready for deployment, the readiness center makes sure that all paperwork for reservist personnel are finalized, such as making sure that the soldiers' last wills and testaments are up to date.

"We make sure that we're always ready to go to war," Delfin said.

The construction of the Tomas



Photos by Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Unveiling: From the left, former Gov. Paul Calvo; Gov. Felix Camacho; Honorary Brig. Gen. Tomas R. Santos' daughter, Julie S. Blas; and Santos' grandchildren, Rachel Lee R. Santos and Derrick Santos, unveil a plaque at a Army National Guard Readiness Center ceremony yesterday.

TO THE POINT
 ▲ Family members and prominent local officials honored Honorary Brig. Gen. Tomas R. Santos in a renaming ceremony of the Guam Army National Guard Readiness Center.

R. Santos Readiness center was a milestone in the history of the Guam Army National Guard because it is the first modernized facility for the island's National Guard.

In April, the Guam Army National Guard broke ground on Phase III of the Guard's Readiness Center. The \$6.97 million facility is scheduled to be completed in July 2005.

It will be a one-story complex at about 25,000 square feet. The facility will be the new home of the 105th Troop Command, the 1224th Engineer Detachment and the 294th Military Intelligence Detachment.



Resolution: Speaker Ben Pangelinan, left, stands beside the sister of Guam National Guard honorary Brig. Gen. Tomas R. Santos, Patricia Santos Sison, right, after having received a resolution in honor of Santos during a ceremony held at the Army National Guard Readiness Center in Barrigada yesterday.

Should Prop A be postponed until the next general election?

No 47.8%

Total votes: 203

Local news

Power outages in Sinajana, Pago Bay

The Guam Power Authority has scheduled the following power outages today.

▲ In Sinajana from 8:30 a.m. to 2:30 p.m., affecting Herman Avenida De Leon, parts of Calle Angel Flores St., North Gado and parts of South Gado and others in the area.

▲ In Pago Bay from 9 a.m. to 3 p.m., affecting the Pago Bridge location, Pago Bay Estates, San Agustin residence, Cliff Side Tai, and others in the area. There will also be 30-minute power interruptions at 9 a.m. and 3 p.m. affecting the intersection of Route 4 and Guam Veterans Highway, Manibusan and Quingua residential areas, and Harper Valley Kennel location.

GTA cable upgrade to affect services

Guam Telephone Authority crews will upgrade cable facilities from 7 a.m. today on Route 16, next to McDonald's Restaurant, affecting Fort Juan Maria to Taitano Road and surrounding areas. Full restoration of phone services is expected by midnight tonight. GTA crews also started upgrading cable facilities in Inarajan yesterday, affecting the former Papa Niyoc Store, Pale Duenas St., toward the Jia Subdivision and surrounding areas, with full restoration expected at 6 a.m. today. People who are still experiencing phone service problems should call 611.

Naval base front gate to be closed

The Commander, U.S. Naval Forces Marianas has announced in a statement that the Naval Base Guam front gate will close at 10 p.m. tonight to allow workers to re-install concrete barriers. Motorists with authorized access to the base are advised to use the X-Ray detour gate, the release said. The front gate will reopen at 4 a.m. tomorrow.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

Vice-mayoral results go to trial today

By **Steve Limtiaco**
Pacific Daily News
 slimtiaco@guampdn.com

A trial is scheduled this morning in the Superior Court of Guam to determine whether the results of the Tamuning vice mayoral election should be counted a third time.

That race was a tie between Republicans Joshua Mafnas and Louise Rivera, at 459 votes each. But a recount ordered by the Guam Election Commission showed a 12-vote discrepancy in the election-night results.

Rivera had 455 votes and Maf-

nas had 451, according to the recount, and the commission certified Rivera as the next vice mayor of Tamuning.

Mafnas sued Rivera in the Superior Court of Guam and has asked the court to intervene and count the ballots again, arguing that there was human error and that some ballots might have been improperly discarded because of alleged crossover voting.

Mafnas also is challenging the practice of certifying the winning candidate in a single-party primary as the winner of that office, as was done with Rivera.

Presiding Judge Alberto Lam-

WHAT'S NEXT

▲ The trial to determine whether the results of the Tamuning vice mayoral election should be recounted will start at 9 a.m. today in the Superior Court of Guam.

orena decided to allow the Guam Election Commission to participate as a party in the case, despite the objections of Mafnas' attorney, Jay Arriola.

Arriola, during a hearing earlier this month, argued that Rivera and her attorney can represent the interests of the election commission in the case, but the commission argued that it needs to be able to speak for itself.

The commission's decision to

participate in the legal battle between Mafnas and Rivera might come at an extra cost to taxpayers.

The commission's legal counsel — Cabot Law Offices — currently is paid a minimum of \$3,200 per month for its services, to include the first 17 hours of work it puts in per month.

Any work beyond that 17 hours will be billed at \$175 per hour, said Commission Executive Director Gerald Taitano, based on a contract the law firm has had since October 2002.

Lamorena earlier this month said he plans to take all day today, if necessary, to conduct the trial.

Arriola yesterday said he believes it will take "at least a day" to discuss the issue in court.



LOCAL

Local news editor: David V. Crisostomo, 477-9711, ext. 41.
 Assistant local news editors:
 Gaynor Dumatoal Daleno, 477-9711, ext. 417
 Gene Park, 477-9711, ext. 412
 News tip hot line: Call 475-NEWS
 e-mail: news@guampdn.com



Have you read Prop A in its entirety?

No 81.7%

as of 8 p.m. Oct. 9

Local news

Nursing Education Week scheduled

Nursing Education Week, focusing on oncology, will be held tomorrow through Friday, presented at no charge as a public service by the Cancer Center of Guam.

The Cancer Center of Guam has announced, in association with Guam Memorial Hospital, that registered nurse Charlene Chyz, will hold a seminar for all interested nurses in the theory, practice and practical of chemotherapy administration, in addition to other seminars. A certificate of proficiency of chemotherapy administration will be given to participants upon course completion. Four hours of CE credit will also be given. Call the GMH Continuing Education Department at 647-2349 for more information.

Pacific Sunday News

Columbus Day What's open, what's not Monday, Oct. 11

Post office branches and federal government offices: closed.

Guam Memorial Hospital: open.

Banks: closed.

Guam National Guard: open.

Pacific Daily News: open

Guam P.D.N. open

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

▲ Patricia Santos Sison is the daughter of Guam National Guard honorary Brig. Gen. Tomas R. Santos. Other information was published in a cutting from the Oct. 2 of the Oct. 9 edition of the Pacific Daily News.

Independence celebrated

By Oyaol Ngirairiki

Pacific Sunday News

ongirairiki@guampdn.com

Ten years ago, the people of the Palauan islands regained control of their island and their destiny after more than a century of foreign governance—and that is cause for celebration.

Rae Aiko De Soto said it's the "celebration of freedom and independence" gained a decade ago that pulled her and hundreds of other Palauans whom have made Guam their home to the 10th anniversary celebration of the Republic of Palau's independence.

Gov. Felix Camacho and Rear Adm. Arthur J. Johnson, commander of the U.S. Naval Forces Marianas, joined in the festivities, greeting Palau President Tommy Remengesau Jr. and about 500 people at Ypao Beach Park yesterday. The celebration also attracted political candidates from both Palau and Guam.

The day-long celebration started with the presentation of the U.S., Guam and Palau flags, followed by a colorful march of flags representing the island-nation's 16 states. The celebration also featured cultural dances and food.

De Soto, like many Palauans living on Guam, was born and raised here, but said she stays true to her Palauan heritage.

"I celebrate (Palau's independence) because I'm Palauan in my heart and in my blood," De Soto said. "To me, Palau's independence means we have the freedom to control our own destiny," she said.

Like many other Pacific islands, Palau's first contact with the Western world was through European whalers and missionaries.

According to the Palau Visitor's Bureau Web site, foreign governance of Palau began when Pope Leo XIII asserted Spain's rights over the Caroline Islands in 1885. In 1899, Spain sold the Carolines to Germany, which established an organized program to exploit the islands' natural resources, such as phosphate in Angaur, the southernmost island of the Palau archipelago.

Following Germany's defeat in World War I, the islands were formally passed to the Japanese, which established systems of education



Ric A. Eusebio/Pacific Sunday News/rausebio@guampdn.com

Commemoration: Zita Villanueva, 20, of Latte Heights, right, serves food yesterday at the 10 anniversary celebration of the Republic of Palau's independence. A celebration was held yesterday at Ypao Beach Park in Tumon, where hundreds gathered to commemorate the day in which Palau gained its independence.

and government. Then after World War II, Palau, Guam and other islands in the Micronesian region became United Nations Trust Territories under U.S. administration.

After many years of talks about a post-trust status for Palau, the U.S. Congress in 1986 approved a Compact of Free Association agreed to by U.S. and Palauan negotiators.

Palau law, however, required that 75 percent of Palauan voters approve the Compact. It took eight referendums and a constitutional amendment decreasing the 75 percent requirement to a simple majority to pass the compact.

On Nov. 9, 1993, 68 percent of Palauan voters approved the compact. On Oct. 1, 1994, U.S. President Clinton proclaimed Palau's status as an independent nation in free association with the United States.

Under the compact, the U.S. remains responsible for Palau's defense for 50 years. The U.S. must approve the entry into Palauan territory of any foreign military, may establish military bases there, and is permitted to operate nuclear-capable warships there.

In return, Palau receives financial assistance from the U.S. and is eligible to participate in some 40 federal programs for 15 years after independence. Also, Palauans can live and work in the U.S. mainland and its territories.

There are more than 2,000 Palauans who have built lives on Guam, according to the 2000 Census. Nina Kilad was born in Palau but came to Guam in 1969 to attend school. After graduating from George Washington High School, she went on to nursing school at the University of Hawaii, eventually returning to Guam and starting a life here.

"At the time, the educational opportunities were not available in Palau. That's the main reason I came to Guam," Kilad said. "Leaving home gave me the opportunity to learn how to be self-reliant, to respect other people's experiences and backgrounds, and become economically self-sufficient."

Kilad drew a parallel between her personal growth and Palau's growth as a country, whose independence fairly young compared to other nations, including the U.S.

ON THE NET

▲ For more photos of the celebration, visit www.guampdn.com



respect other people's experiences and backgrounds, and become economically self-sufficient."

Kilad drew a parallel between her personal growth and Palau's growth as a country, whose independence fairly young compared to other nations, including the U.S.

"I think as a young nation we're doing pretty well, the education system has improved a lot since I was a child, for example," Kilad said. "That's not to say we don't have a lot of work to do, we still need to find a way to become economically self-reliant so that we're not so reliant on U.S. for funding. But right now we're doing good."

Symposium picks up with presentations

By Natalie J. Quinata

Pacific Sunday News

nquinata@guampdn.com

Diabetes, a widespread health problem on Guam, was among one of the topics discussed during yesterday's 1st Micronesian Medical Symposium.

With Guam's abnormally high rate of diabetes on Guam, Dr. Stephen Hsu, a Harvard-trained and Singapore-based molecular geneticist, hopes to begin a study that focuses primarily on the genetics of the Chamorro population.

Hsu, who describes himself as a

"gene hunter," said that he would like to organize with local officials to hunt down the diabetes gene.

"I call it modern molecular medicine," said Hsu as he explained how he hopes his career in genetics will impact modern medicine.

Hsu, along with other medical and health-care professionals gave presentations yesterday at the 1st Micronesian Medical Symposium at the Guam Marriott Resort, which concludes today.

The goal of the symposium is to bring health-care professionals from around the Micronesian region with the idea of forming an alliance

among the region.

Dr. Nathaniel Berg, secretary of the Guam Medical Society, said that the best part of the symposium was the fact that it focuses not just on Guam, but on the region.

As a health-care provider who has practiced in other islands in the region, Berg said he was excited that a symposium of this caliber has finally been done, and also said that he hopes to make it an annual event.

Glynis Almonte, the executive director of the Guam Nurses Association, said that the symposium covers a range of topics from the latest medical advances in medicine

ment to the public policies that affect health care in the region.

Other participants, like Rose Ramna, attended the symposium simply to be more informed about the profession.

Rama, a nurse for Inarajan Elementary School, said, "This is new knowledge and more things learn."

With all of the technological advancements and research being done, Lourdes Sionosa, a local pharmacist said health-care professionals "have to learn the most important and recent developments in medicine."

GEC, AG's Office meet over Prop "A" pamphlet

by **Marissa Eusebio**, KUAM News
Monday, October 11, 2004

Officials from the Guam Election Commission and the Attorney General's Office met this morning to discuss concerns about deficiencies in the voter information pamphlet on the casino gaming initiative, which the AG's Office claims may prevent the vote on Prop "A" from taking place in the November 2 General Election. GEC legal counsel Cesar Cabot told KUAM News the issue boils down to a lack of funding.

In order for the GEC to have distributed an 82-page mailer, it would have cost more than \$150,000. Cabot says that until they receive the funding needed to comply with the law, the issue will continue to go unresolved.

In the meantime, Attorney General Douglas Moylan says after reviewing the facts and applying the law, because the GEC failed to provide the full mailer, regardless of the cost, the General Election question on the ballot will be ineffective for purposes of passing the initiative. Moylan described it as a fatal defect on a wasted notice, adding that insufficient funding is not an excuse in the law for not providing adequate due process to the public.

However, Moylan says that the two groups will continue to work together to come up with alternatives. Their next meeting is slated for October 21.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Copa slams casino economic study

By Gerardo R. Partido
Variety News Staff

MEMBERS of the anti-casino group Communities Opposing Proposal A have slammed an

economic impact study on gambling commissioned by the island's hotel sector.

According to Copa chairwoman Jackie Marati, the study

commissioned by the Guam Hotel and Restaurant Association promotes gambling and was performed by a gambling consulting firm which stands to make more money if Prop A is passed.

"This is a study that promotes gambling. The consultant who prepared the study helps casinos get started. They prepared the Prop A summary used by Citizens For Economic Diversity. How 'independent' is that?" Marati, charged.

The study, conducted by Michael J. Pollock, managing director of Spectrum Gaming LLC, concluded that gaming could add as much as 1,388 direct jobs leading to a total increase in employment of as many as 2,085 jobs, with a total annual payroll of about \$42.7 million.

In addition, the study said the government of Guam could realize up to \$20.52 million in additional tax revenues from gaming taxes, gross receipts taxes, and personal income taxes.

The Spectrum Gaming Group is an international gaming

consultancy specializing in services to casino developers and regulatory agencies.

But Marati said the Spectrum study failed to answer where the Prop A jobs would be coming from and what the new sources of revenue would be.

"It does not tell us whether Prop A is good or bad for Guam now, that is the question," Marati said.

Copa is bringing in its own expert, Dr. Bill Thompson from the University of Nevada-Las Vegas, to discuss the effects of casinos on Guam.

"We are finalizing a calendar which will allow all voters to benefit from his perspective, and giving them the opportunity to ask the challenging questions we need to ask," Marati said.

Thompson has consulted for the congressional national gambling impact study commission as well as numerous casino groups throughout the U.S. and various local governments both within the United States and overseas.

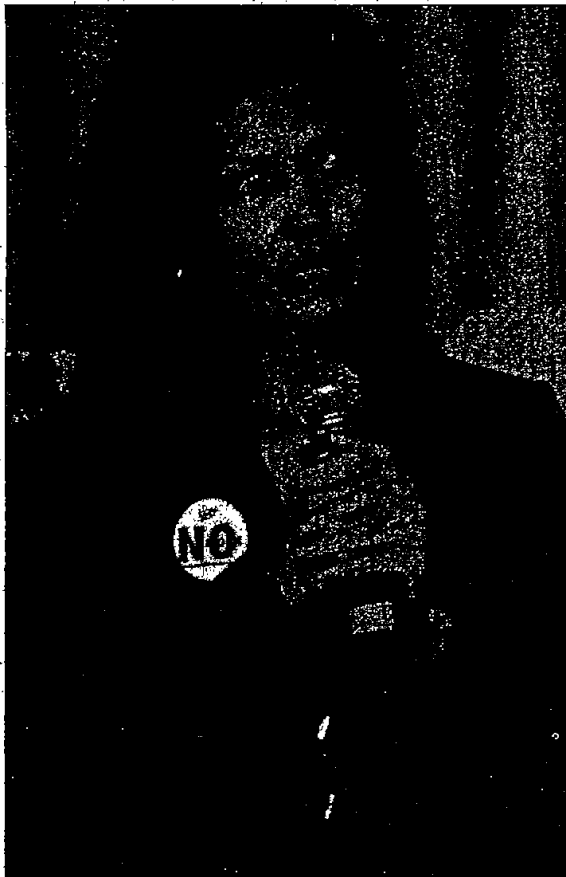
In light of the "fluctuating" figures presented by CFED, Marati said her group decided to call on Thompson's expertise to confirm what the true impact of casino gambling will be for Guam.

Marati also criticized the \$2,500 cost of securing a copy of the Spectrum study.

"We thought they were rolling out an education program for all the people. And now we have to fork over \$2,500 for a copy of the report? Why won't the really big businesses come out and admit they funded a \$38,000 63-page report?" Marati asked.

Marati also reiterated her challenge for CFED to agree to a public debate and forum. CFED earlier decided to pull out of a public forum on Proposal A, charging that casino proponents would not get a fair shake from the forum.

"We the voters need more than press conferences and \$2,500 reports to inform us. Let's bring the debate to the voters to allow them to decide," Marati said.



Copa chairwoman Jackie Marati said the study commissioned by the Guam Hotel and Restaurant Association was performed by a firm which stands to make more money if Prop A is passed.

Photo by Gerardo R. Partido

AGO probing agencies hiring private lawyers

By Mar-Vic Cagurangan
Variety News Staff

THE Attorney General's office has expanded its investigation into private legal service con-

spend.

Asked if AGO was preparing possible court actions against the agencies, Moylan replied, "We will make that decision once we

By Trina A San Agustin
Variety News Staff

VICE Speaker Frank Aguon Jr. (D-Yona) has urged Gov. Felix P. Camacho to use his transfer authority to provide the Guam Election Commission with funds for the printing of a corrected version of the voters' information pamphlet for the Casino Gaming Initiative.

"The recent news of the lack of funds for the printing of the Proposition A initiative by the GEC for general distribution as part of their responsibility to the community may directly impact the ability of our people to vote on the initiative

this upcoming general election," Aguon said in a letter to the governor.

Aguon, chairman of the legislative committee on budgeting and appropriations, also expressed concern that GEC may be running out of time. The elections commission need sufficient time to distribute the new information materials to voters. The casino plebiscite will be held simultaneously with the general elections on Nov. 2.

The vice speaker thus urged the governor to expedite the release of funds for printing in order for the voters to get enough



Felix P. Camacho

time to review the pamphlets. "An informed electorate would make the right decision and best decision for our island," he added.

Camacho urged to address Prop A crisis

Senate 'erred' in rejecting \$213M

FORUM

Our Opinion

OPINION

The report that nails Saddam

By David Brooks

SADDAM Hussein saw his life as an unfolding epic narrative, with retreats and advances, but always the same ending. He would go down in history as the glorious Arab leader, as the Saladin of his day. One thousand years from now, schoolchildren would look back and marvel at the life of The Struggler, the great leader whose life was one of incessant strife, but who restored the greatness of the Arab nation.

They would look back and see the man who lived by his saying: "We will never lower our heads as long as we live, even if we have to destroy everybody." Charles Duelfer opened his report on Iraqi weapons of mass destruction with those words. For a humiliated people, Saddam would restore pride by any means.

Saddam knew the tools he would need to reshape history and establish his glory: weapons of mass destruction. These weapons had what Duelfer and his team called a "totemic" importance to him. With these weapons, Saddam had defeated the evil Persians. With these weapons he had crushed his internal opponents. With these weapons he would deter what he called the "Zionist octopus" in both Israel and America.

But in the 1990's, the world was arrayed against him to deprive him of these weapons. So Saddam, the clever one, The Struggler, undertook a tactical retreat. He would destroy the weapons while preserving his capacities to make them later. He would foil the inspectors and divide the international community. He would induce it to end the sanctions it had imposed to pen him in. Then, when the sanctions were lifted, he would reconstitute his weapons and emerge greater and mightier than before.

The world lacked what Saddam had: the long perspective. Saddam understood that what others see as a defeat or a setback can really be a glorious victory if it is seen in the context of the longer epic.

Saddam worked patiently to undermine the sanctions. He stored the corpses of babies in great piles, and then unveiled them all at once in great processions to illustrate the great humanitarian horrors of the sanctions.

Saddam personally made up a list of officials at the U.N., in France, in Russia and elsewhere who would be bribed. He sent out his oil ministers to curry favor with China, France, Turkey and Russia. He established illicit trading relations with Ukraine, Syria, North Korea and other nations to rebuild his arsenal.

It was all working. He acquired about \$11 billion through illicit trading. He used the oil-for-food billions to build palaces. His oil minister was treated as a "rock star," as the report put it, at international events, so thick was the lust to trade with Iraq.

France, Russia, China and other nations lobbied to lift sanctions. Saddam was, as the Duelfer report noted, "palpably close" to ending sanctions.

With sanctions weakening and money flowing, he rebuilt his strength. He contacted W.M.D. scientists in Russia, Belarus, Bulgaria and elsewhere to enhance his technical knowledge base. He increased the funds for his nuclear scientists. He increased his military-industrial complex's budget 40-fold between 1996 and 2002. He increased the number of technical research projects to 3,200 from 40. As Duelfer reports, "Prohibited goods and weapons were being shipped into Iraq with virtually no problem."

And that is where Duelfer's story ends. Duelfer makes clear on the very first page of his report that it is a story. It is a mistake

Continued on page 11

LIBERALS TO
BAN BIBLES!



BEELZEBUB
TO BE FIRST.
KERRY-APPOINTED
SUPREME COURT
JUSTICE!



JOHN KERRY
IS ACTUALLY
BIGFOOT!



UNDECIDED
VOTERS
ABDUCTED
BY ALIEN
DEMOCRATS!



OSAMA IS
HIDING IN
KERRY'S
CHIN!



THE GOP
IS GOING ALL
OUT IN THE
SWING STATES!



Gerry R. Partida

Island Stir



Prop A conspiracy theories

THE conspiracy theories have begun.

Shortly after the attorney general's office announced that the voting on Proposal A may have to be postponed, rumors started flying thick and fast about the party or parties who prodded AGO to look into the defects of the casino information pamphlets distributed by the Guam Election Commission.

In a letter to GEC executive director Gerald Taitano, AGO said it received a complaint on the commission's procedures related to Proposal A that could prompt a legal challenge and derail the Prop A poll this November.

AGO, however, did not identify who the complainant was. Pro-casino people say the anti-Prop A people are behind this while the antis, of course, say it's the other way around.

The conspiracy theories revolve around the theme of either the anti- or pro-casino group, depending on which part of the fence the theorist sits on, lagging behind in surveys and needing more time to educate and sway the voting public to its side.

Although GEC and AGO have already set a meeting to thresh out the flaws in the Prop A pamphlet, both acknowledge that it is too late to correct the errors because the law requires the pamphlets to be mailed 30 days before election day. That "window of opportunity" has already lapsed.

This now makes for an interesting scenario. Even if the voting for Prop A goes through this November, the final result would be open to challenge because of the perceived defects in the procedures followed by GEC.

The contest could never end and Prop A may never be resolved with finality, as either party can challenge the results of the election due to the technicalities raised by AGO.

The only recourse may be to set a special election for Proposal A at a later date. But this would mean additional costs and a separate appropriation from the legislature. Cost estimates based from past special elections peg the price of a special election at \$100,000 minimum.

The special election scenario has also prompted one of the more intriguing of the Prop A con-

spiracy theories. Some people are saying that a special election would favor the pro-casino camp for the following reasons:

- The general election is not limited to Prop A and as such would not receive the full attention of the voting public;

- Any general election ballot with the Prop A section left blank could translate to a "no" vote on Prop A; and

- A special election would enable voters to focus on the casino issue, attracting more people to vote on the proposal, and lessening the chances for spoiled ballots.

But Jay Merrill, a consultant with CFED, has stated that the pro-casino group wants the issue to be decided in the November polls. According to Merrill, surveys have been positive for the pro-casino group and there is no reason for them to want any postponement of the Prop A voting.

Copa also wants to go through with the November Prop A vote, saying that the surveys favor the anti-casino group.

In fact, both CFED and Copa, ironically enough, may join forces and launch an unprecedented lawsuit to force the holding of the Prop A vote on November.

Meanwhile, GEC's Gerald Taitano has been put on the spot because of the commission's handling of the Prop A voter education requirement.

The legislature can't be blamed for not appropriating money to address the pamphlet defects because Taitano didn't ask for it.

According to the legislature, GEC only asked for \$25,000 to fund the casino initiative voting, not the \$100,000 which could have financed the other Prop A voter education requirements.

To be fair, the GEC head was only doing what he thought was best because printing and mailing the required 80-page casino proposal in full would have been costly and impractical.

In any case, we only have three weeks before the general elections and the following days should prove quite interesting as we await the final decision on Prop A.

Marianas Variety

Serving the Mariana Islands for 32 years
Published Monday to Friday by Youris Art Studio, Inc.

P.O. Box 231, Saipan NP 96950-0231 215 Rojas Street, Suite 101,
Tel. (670) 234-6341 / (757) 897-19272 Harmon Guam 96913
Fax: (670) 234-9271 Tel. (671) 649-1924 / 4678
E-mail: mvariety@vpsafrica.net Fax: (671) 648-2607
URL: www.mvariety.com E-mail: admin@mvguam.com

© 2004, Marianas Variety All Rights Reserved

Pacific Daily News

Guam Publications, Inc.

255 HAGATNA, GUAM, OCTOBER 12, 2004

HAGA ADAL, IT'S TUESDAY

guampdn.com

A Gannett Newspaper

75¢ on Guam

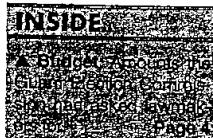
Prop A vote not binding

AG: Error with pamphlets may jeopardize election

While Proposal A can stay on the Nov. 2 ballot, the outcome of the casino initiative might not be enforceable because of problems with an informational pamphlet that was mailed to voters.

By Steve Limtiaco
Pacific Daily News
slimtiaco@guampdn.com

Residents can head to the polls Nov. 2 to decide whether to legalize casino gaming on Guam, but the outcome of that election might not be enforceable because of problems with an informational pamphlet that



was mailed to voters by the Guam Election Commission, Attorney General Douglas Moylan said yesterday. While several potential

problems in the pamphlet were identified by the attorney general's office last week, the biggest problem is that the complete text of the 80-page initiative was not included in the pamphlet, as required by Guam law, Moylan said.

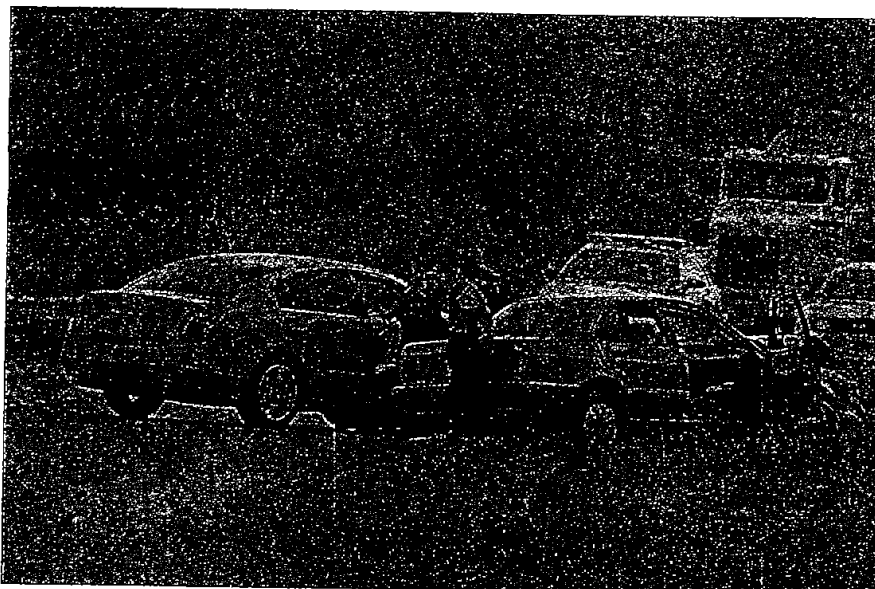
The election can move forward as planned because it will not cost anything extra

to do so, but if casino gaming is approved by voters, that law cannot be enforced, Moylan said.

Moylan met with Election Commission legal counsel Cesar Cabot and commission employees yesterday morning, but the concerns about the pamphlet are unresolved.

▲ See **Casino**. Page 4

Two women hurt in collision yesterday



Mosaka Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Route 15: Guam Police Department officers stand next to two cars involved in a collision on Route 15 yesterday afternoon. Two women were transported

to Guam Memorial Hospital after the accident and were in stable condition as of yesterday evening.

▲ See story, Page 5

Baby needs foster home

If your home can accommodate the needs of a sick baby, consider being a foster child for the little boy. The Child Protective Services has custody of the 3-month-old, who needs to transition from a hospital environment to home care. The boy is a survivor. He was not even expected to live beyond birth, because he was born with only a brain stem, with the rest of his brain undeveloped. But the baby has since gained weight and is now around 8 pounds. The agency has checked with all its current foster care homes, and none is able to take him right now.



'Superman' dies at 52

Actor Christopher Reeve, the star of the "Superman" movies who became even more famous as an advocate for the disabled after he was paralyzed in 1995, died Sunday. He was 52. Reeve fell into a coma Saturday after going into cardiac arrest while at his New York home, his publicist, Wesley Combs, told The Associated Press.



Judge orders recount of ballots

A Superior Court of Guam judge has ordered that ballots in the Tamuning vice-mayoral race be counted a third time.

By Steve Limtiaco
Pacific Daily News
slimtiaco@guampdn.com

Discrepancies surfaced during last month's recount of ballots for the Tamuning vice-mayoral race, and Presiding Judge Alberto Lam-

orena yesterday said he is not satisfied with the explanations for disappearing votes.

Lamorena has ordered that those ballots be counted a third time; but this time by court employees and not by the Guam Election Com-

mission.

The Tamuning vice-mayoral race was initially a tie between Republicans Joshua Mafnas and Louise Rivera, at 459 votes each. A recount ordered by the

▲ See **Ballots**. Page 4

Guam PDN.com
vote in today's election
the election
question
A2
yesterday's
Page 2
Daily News
HE AIR
Get the
news
by the
News
FM 95.5
News Monday
day at:
9:30 a.m.
12:30 p.m.
5:30 p.m.
1.9 FM
News Monday
day at:
8:30 a.m.
5:30 p.m.
rive
a has
om a huge
by Mazda
been
rate
ce.
rising,
20%

4 20 2004

20TH ANNIVERSARY SALE-A-BRATION

Total Savings of up to \$4,000 SEE PAGE 11

LOCAL Casino: GEC board to meet next Thursday

▲ Continued from Page 1

Moylan said. The attorney general's office became involved in the issue after receiving a complaint about the pamphlets from an unnamed person.

"We have to advise the commission on whether or not the error that occurred has jeopardized the Nov. 2 election," Moylan said. "Our position is that it has jeopardized it, and the law, if it is passed, will not be enforceable."

Dededo resident Johnny Camacho, 42, yesterday said he never received an informational pamphlet in the mail, but said the vote should be held anyway. He said he supports casino gaming because it will be good for the island.

"I think it should go on," he said.

Erwin Sameko, 35, of Santa Rita, who also did not receive an informational pamphlet, said the vote should not happen.

"I think they should postpone it first, so everyone will understand the process for casino gambling," he said.

Election Commission attorney Cabot said the commission did not include the complete text in the pamphlet because it did not have enough money in its budget to pay for it.

Cabot said it would cost as much as \$165,000 to comply with that law, which is about a third of the commission's budget.

"There's no money, and nobody seems to have a solution for that problem. As much as the GEC wants to comply with the law, ... we just don't have the money and the funds to do so."

Cabot said he will report the attorney general's concerns to the Election Commission board so it can decide what to do.

The board is scheduled to meet next Thursday but could meet sooner if the board members decide, Cabot said.

"As far as we're concerned, we carried out the letter of the law to the best that



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Registration: Guam Election Commission program coordinator David Chargualaf Jr., right, checks the voter registration status for Conchita Nelson, 48, and her husband, Carl Nelson, 45, of Dededo. As voters get ready to vote on Nov. 2, the attorney general's office is leaving it up to the commission whether to include the casino question, Proposal A, on the ballot.

PAMPHLET PROBLEMS

Here's what the attorney general's office says is wrong with the Proposal A pamphlet:

Pamphlet
▲ The claim: There is no Guam Casino Gaming Control Commission Act in the pamphlet.

▲ What Guam law says: "The Ballot pamphlets shall contain: (a) A complete copy of any measure submitted to the voters by: (1) The Legislature. (2) Initiative or referendum petition. (b) A copy of the specific statutory provision, if any, proposed to be affected." In addition, government regulations state that "the complete text of the initiative measure" must be printed in the ballot pamphlet, immediately after the argument against the measure, followed by the text of any existing laws that would be affected.

Analysis

▲ The claim: There is no analysis by the commission as required by law. (According to Assistant Attorney Gen-

eral Robert Weinberg, the text in the pamphlet does not appear to meet the minimum requirements of the law).

▲ What Guam law says: "Whenever any measure qualifies for a place on the ballot, the Election Commission shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis shall not exceed five hundred (500) words, except with the approval of the Election Commission."

Legal counsel

▲ The claim: The "analysis" that is provided does not appear to be authored or acknowledged by legal counsel for the commission, as required by the government's Administrative Rules and Regulations.

▲ What the regulations say: "Legal counsel for the commission shall, not less than 45 days prior to the election at which an initiative measure is to be submitted to the voters, prepare an analysis of the measure, not to exceed 500 words in length. The analysis shall be impartial and shall show the effect of the measure on existing law and the operation of the measure."

Signatures

▲ The claim: The pamphlet lacks the three signatures of voters who submitted the opposition to Proposal A. Three signatures of voters were submitted, but only one name appears on the pamphlet, contrary to law.

▲ What Guam law says: "No more than three signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than three persons the signature of the first three shall be printed."

Pacific Daily News

we could, based upon our funding," Cabot said. "When we went to the government

for funding, we asked for \$850,000. They chopped it down to half."

But Election Commission Executive Director Gerald Taitano told the Pacific Dai-

WHAT'S AT ISSUE

The main problem in the informational pamphlets mailed to voters earlier this month is the absence of the 80-page casino initiative, since Guam law requires the entire text be included in the pamphlet, according to the attorney general. The commission's fiscal 2005 budget request indicates that the commission did not ask lawmakers for enough money to send the complete casino text to voters.

Here is what the Guam Election Commission asked lawmakers for during budget hearings this past May, specifically related to the casino gaming initiative:

- ▲ \$22,000 for postage to bulk-mail 60,000 informational pamphlets for the Guam Casino Gaming Control Commission Act
- ▲ \$14,380 for separate ballot stock for the casino gaming initiative (note: the commission has since decided to print the initiative question on the same ballot as the non-

partisan races, eliminating the need for separate paper)
▲ \$2,500 to print "sample ballots, official forms and instructional material such as voter information pamphlet, ballots, etc."

What is needed to include the complete text of the initiative in the informational pamphlet that is supposed to be mailed to voters:

- ▲ \$145,000 for printing
- ▲ As much as \$20,000 for postage, according to election commission legal counsel Cesar Cabot.
- What the commission received in September:
- ▲ A \$25,000 transfer from Gov. Felix Camacho, to pay the cost of printing and mailing a single-page pamphlet.

Guam Election Commission's fiscal 2005 budget request to the Legislature, dated May 21, 2004; and election commission legal counsel Cesar Cabot

ly News last week that he never intended to send the complete text to voters and did not ask lawmakers for the money to do so.

The commission's budget request, submitted to lawmakers in May, appears to support that. According to that document, the commission asked lawmakers for \$22,000 for postage and \$2,500 to produce informational pamphlets and other related documents.

Moylan said money is not the issue because Guam law is clear about the requirements for voter notification. He said a recent court decision that delayed the election for the Retirement Fund board of trustees reinforces the importance of meeting the minimum requirements.

Cabot said he disagrees with the other concerns raised by the attorney general's office, which include the source and form of the pamphlet's impartial summary and whether or not more names should have been listed on the argument against

Proposal A.

Moylan said his office and election commission officials also discussed yesterday the possibility of getting the law changed to avoid similar problems in the future and find the most efficient and effective way to educate voters about initiatives.

"They're talking in general terms about having the election commission publish it in the newspaper, versus having these pamphlets sent out," Moylan said.

The problem with the pamphlet cannot be fixed in time for the General Election, Moylan said, because the law requires that voters receive their pamphlets at least 30 days before the election.

The sponsors of the initiative have met the requirement to put their initiative to a vote, but it now is a question of when that should happen, Moylan said.

"Our interest is to ensure that the laws that are passed are valid and that government money isn't wasted on defective laws," he said.

Ballots: Court employees to conduct recount of votes

▲ Continued from Page 1

Election Commission showed a 12-vote discrepancy in the election-night results. According to the recount, Rivera had 455 votes and Mafnas had 451, and the commission certified Rivera as the winner.

Mafnas sued Rivera and asked the court to intervene and count the ballots again. A trial for the case was held last Saturday.

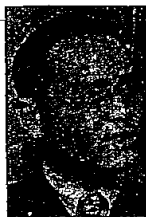
Lamorena yesterday said he found no evidence of fraud or misconduct in the election process, but said he is not satisfied with court testimony on the reason for

discrepancies in the recount. Specifically, he said he is not satisfied with testimony about the 12-vote discrepancy.

"This is pretty much everything we asked for," said Mafnas' attorney, Jay Arriola, who added that there is no harm in conducting another recount.

He said he is pleased that the court will be counting the ballots instead of the election commission.

Rivera attorney Michael



Mafnas

Berman said he would have preferred to avoid a recount, but said Lamorena was being careful.

"I think it's a fair-minded result," Berman said of Lamorena's decision.

Lamorena did not grant Mafnas' request that all votes for him be credited, even if they were written in the Democratic or Independent columns.



Rivera

The court will count only the votes that were cast in the Republican column, Lamorena ruled.

The court also will re-examine all ballots that had been rejected or invalidated by the Election Commission to determine whether they are valid or not, Lamorena ruled.

Lamorena ordered that the ballots for the Tamuning precincts be delivered to his courtroom by 10 a.m. today so the results of the vice-mayoral race can be re-examined by the clerk of the

WHAT'S NEXT

▲ The Guam Election Commission is scheduled to deliver Tamuning primary election ballots to the Superior Court of Guam by 10 a.m. today so the results of the Tamuning vice-mayoral race can be counted a third time.

court and five deputy clerks. Representatives for Mafnas, Rivera and the Election Commission will witness the process, he said.

The process the court will use to recount the ballots will be explained at 11 a.m. in his courtroom, Lamorena said.

Guam judiciary bill passes Congress

By Gerardo R. Partido
Variety News Staff

GUAM moved closer to having a third branch of government yesterday with the U.S. Senate's passing of H.R. 2400, the Guam judicial reform bill.

This legislation, introduced by Rep. Madeleine Z. Bordallo (D-Guam) last year, amends the Organic Act of Guam to establish the judiciary as the third, co-equal and independent branch of the government of Guam.

The legislation also clarifies that the Supreme Court of Guam shall have appellate and administrative authority over all inferior courts in Guam, thereby effectively establishing a unified local judiciary.

Congress' passing of the bill is seen as a significant step forward for the independence and autonomy of the judicial branch of Guam.

In an interview, Speaker Vicente Pangelinan described the congressional action as very significant and historic.

"This creates a co-equal branch of government. This is important because having an independent judiciary is one of the pillars of a democratic form of government," he said.

The Speaker, who has been a long-time champion of the Guam Supreme Court, said judiciary reform is something that he has been working on ever since he got into the legislature.

"We were the ones who contested a Republican-passed bill in the legislature that stripped the authority of the Supreme Court. We won that case with Atty. Mike Phillips. That case upheld the Judicial Council and the Supreme Court's authority over all the courts of Guam. But this would still have been subject to change in local law. Now that H.R. 2400 is passed, there is no longer any danger of chang-

ing the structure of the courts through local law," the Speaker said.

Significant landmark

Bordallo, in a press statement from Washington, described the passage of the Guam judicial reform bill as a significant land-

mark in the development of self-governance on Guam.

"Once President Bush signs this legislation into law, Guam

will have a truly co-equal and independent third branch of government," Bordallo said.

Continued on page 2



WORLD UPSIDE DOWN Enjoying their weekend away from school, girls hang from a mohkey bar in Ypao Beach Park Sunday.
Photo By Mar-Vic Cagurangan

FAA approves Palau Micronesia flights to Guam

By Gemma Q. Casas
Variety News Staff

THE U.S. Federal Aviation Administration has approved Palau Micronesia Air's application to serve the Guam-Palau route on a regular basis, making it the first locally-owned airline in the Pacific Region to be granted such privilege.

PMA founder and president Alan Seid said the test inaugural flight between Palau and Guam was made on Sept. 21 and the airline is now serving the route regularly.

Seid admitted the airline's passenger load at this time is still low.

But he remains optimistic the trend will change once PMA has signed "interline" agreements with international airlines that bring tourists from Japan and Korea to Guam.

"We're very happy to have been able to inaugurate our flights to Guam.... It's a very significant milestone that we have been able to achieve—obtaining the rights from the U.S. Department of Transportation, the approval of the Transportation Security Administration, the U.S. immigration and the FAA (Fed-

Continued on page 2

GEC racing against time on Prop A

By Trina A San Agustin
Variety News Staff

WITH barely three weeks before the Nov. 2 elections, the Guam Election Commission is racing against time.

Attorney General Doug Moylan said Prop A might eventually have to be voted on in a special election.

The voting public heads to the polls in three weeks to cast their votes on the controver-

sial Proposal A initiative, the results will be ineffective if voters decide to allow casino gaming on island.

"If the government fails to provide adequate notice to the voters of the way the initiative is supposed to look then the election cannot go forward on Nov. 2," said Attorney General Doug Moylan. "The window closed on Oct. 3 and anything that Guam Election

Commission does right now wouldn't cure the problem. So they are going to have to do another election basically."

Yesterday officials of the AGO and the GEC met one on one to discuss legal technicalities on GEC's Voters Information Pamphlet for Proposal A.

Moylan said the GEC representatives will bring the information and options back to the

commission on Oct. 21. "However, we stand by our position that they have defective notices that were sent out and can't be fixed before the Nov. 2 election," he added.

Moylan however, ruled out court action to correct the situation. "We are going to permit them to go forward but because the \$500,000 required by the government we are

Continued on page 2

Inside:

LOCAL
Brown tree snake bill
passes US Senate p. 4

CNM
Bill to authorize telecoms
to increase prices p. 6

WORLD
Iran, Russia nearing nuclear
deal p. 17

CFED brings casino gaming expert to Guam



Fredric Gushin, founder of the Spectrum Gaming Group, said that gaming will spawn ancillary industries that support casino operations. Photo by Gerardo R. Partido

By Gerardo R. Partido
Variety News Staff

RENOWNED gaming expert and attorney-at-law Fredric Gushin will be on island until Friday this week for consultation with interested parties on Proposal A.

Gushin is the principal of Spectrum Gaming Group, an international gaming consultancy which provides advice and counsel to both the casino industry and governmental regulatory agencies.

According to the pro-casino group Citizens For Economic Diversity, Gushin has independently reviewed Proposal A in its entirety and wrote the summary of the act which is freely available from the CFED office or from its website www.guamgaming.com <<http://www.guamgaming.com>>

CFED said Gushin's fami-

liarity with the gaming act, along with his expert knowledge of the industry as a whole, puts him in a position to answer any questions regarding Proposal A.

CFED added that Gushin is available for questions on how Guam's proposed gaming commissioners will be chosen or about the provisions of the Guam Casino Revenue Trust Fund, both of which are included in Proposal A.

Gushin has already been to Guam before and during his first visit, he indicated that the proposed gaming initiative is sound and will provide a viable means of developing the gaming industry on Guam.

He pointed out that every gaming jurisdiction is different and it would not be wise to blindly copy what Nevada or what Atlantic City has done.

Gushin also said that Guam

can learn from the principles of gaming operating in those areas but has to develop its own gaming policies tailored to the local markets and the local situation.

He added that proper and effective regulation will be the catalyst by which investors will decide on whether to put money in a Guam gaming industry.

"The Gaming Control Commission mandated by the initiative must be transparent in issuing licenses and have controls in place against money laundering. The bottomline is that gaming and regulation go hand in hand. Effective regulation has always been and will continue to be the catalyst for gaming development," the consultant stressed in an earlier press conference held at the Palace hotel.

GEC...

Continued from page 1

looking at our position. This election will be ineffective in the purpose of passing Proposal A because of the defect in the notice requirement," Moylan told Variety.

The chief executive legal officer said the election commission's position on this is that they know there is a flaw in it (informative pamphlets).

"Their excuse is that they didn't have enough money to do it. Our position is money is irrelevant for purposes of the due process notice required," he added.

Moylan confirms that the initiative is on the non-partisan ballot, but the only question that remains is whether or not it will be effective for purposes of passing Proposal A.

Moylan said the Citizens For Economic Diversity has validly provided the right information and details to have this question put before the voters. "The voters have the right to have this question heard. How-

ever, because of the election commission's failure to follow the notice requirement, it will be ineffective for purposes of validly passing that initiative into law," he said.

The GEC and the AGO are exploring available options to address the situation.

One option is the holding of a special election on the casino proposal. However, this option requires a long process. Gov. Felix P. Camacho must first call for a special election and from there, the legislature will appropriate funds for that exercise.

Among the defects discovered by the AGO were listed, there is no Guam Casino Gaming Control Commission in the pamphlet while Guam law requires the ballot pamphlets "shall contain a complete copy of any measure to be submitted by voters...by initiative or referendum petition."

The analysis in the pamphlet that was sent does not bear the acknowledgement of the GEC legal counsel, as required by law.

FAA...

Continued from page 1

eral Aviation Administration) to fly to Guam," Seid told Variety in an interview.

"This is a milestone in Micronesia's aviation history. This is the first time that a locally founded airline has ever been able to achieve that. It means that we've been reviewed, looked upon and we met the standards to become an international carrier," he added.

PMA currently uses for its flights a Boeing 737-300 plane it leased from the New Zealand-based Airwork.

Aside from Guam, the airline also regularly flies twice a week to Manila.

The Republic of Palau just celebrated its 10th founding anniversary. Many of its workers are from the Philippines, thus, the Palau-Manila direct fly is considered by many as a relief.

Seid said their main target market from Guam right now are Palauans going to Guam

and vice versa.

But he said they are working on interline agreements with some airlines to bring tourists to Palau.

"...we're also targeting interline agreements so we can bring Koreans and Japanese tourists to Guam from Japan Airlines and Korean Airlines then connect to Palau," the airline president said.

Capitalization

Seid said PMA is currently operating on a \$10 million initial capital.

The majority of it came from the governments of Palau, Yap and Pohnpei.

"We have a mixture of investors. We have Palau National Development Bank, \$1 million. We have Palauan companies. We have Yap state government. We have Yap companies. We have Pohnpei state government. So those are the major shareholders," Seid said.

From the public, PMA managed to raise \$6.5 million when it issued initial

public offerings in Palau.

"We have IPO under Palau law now so we're operating that now. How much have we raised (so far)? Probably around \$6.5 million. It's a \$100 per share," Seid said.

He said the airline will not sell the IPO in the CNMI or Guam because they have not registered that in the U.S.

"We haven't pursued that under the U.S. and so we're not raising money in the CNMI and Guam," he said.

There are also a few foreign investors who chipped in to the regional airline's capitalization need.

The airline also invited the CNMI government to join its business venture for \$500,000.

But the local government refused the invitation citing concerns on the profitability of the project.

The cash-strapped government could hardly even raise money for its bills to various private and public vendors.

Guam...

Continued from page 1

The success realized today builds on the work of my predecessor, Congressman Robert Underwood, who began this effort in Congress. The united approach taken by Guam's leaders on this issue also helped to ensure final passage of H.R. 2400 in the House and Senate," she added.

For his part, Supreme Court director for planning and policy Dan Tydingco said the court is pleased that Bordallo was able to bring Guam's judiciary agenda to the attention of Congress.

He added that the congressional action will firmly establish the judiciary as an entrenched third branch of gov-

ernment with no more room for politics and manipulation of the court's operations.

H.R. 2400 was first reported by the House resources committee on July 14, and later passed the House of Representatives on Sept. 13, before it was sent to the Senate for consideration.

The Senate energy and natural resources committee's subcommittee on public lands and forests, which has jurisdiction over the territories, held a hearing on H.R. 2400 on Sept. 29, 2004.

At that hearing, Bordallo appeared before the subcommittee with Lt. Gov. Kaleo S. Moylan to urge passage, and enter into the record, statements in support of the legislation from leaders in Congress.

Bush approval seen

The congressional action is expected to be approved by President Bush because Scott Cameron, deputy assistant secretary for performance and management at the U.S. Department of the Interior, also testified at the hearing that the Bush administration does not object the legislation.

According to Bordallo, moving the Guam judicial reform bill through the legislative process in Congress was made possible by the broad support it received from all sectors of the Guam community.

Favorable consideration in the Senate was aided by a letter of support from Gov. Felix P. Camacho as well as by several meetings Bordallo, Moylan, and

Carbullido held with key Senate staff.

Moreover, the enactment of local law, authored by Sen. F. Randolph Cudiff, chairman of the Guam Legislature's committee on judiciary, helped clarify the island's judicial structure and highlighted the need for passage of the legislation in the U.S. Congress.

Pangelinan and other Guam legislators also expressed their support for H.R. 2400 through a legislative resolution presented to Congress. The Judicial Council of Guam and the Guam Bar Association also sent a resolution to Congress urging passage of the bill.

The language of H.R. 2400 is based on previous legislation introduced by former Rep. Robert Underwood in the 103th

106th, and 107th Congresses.

Bordallo commended the leadership of chairman Rep. Richard W. Pombo (R-California) and ranking member Rep. Nick J. Rahall II (D-West Virginia) of the House resources committee for moving the legislation through the House.

She also noted the "instrumental" work of Rep. Jeff Flake (R-Arizona), the leading Republican co-sponsor and the help of Sens. Pete Domenici (R-New Mexico), Jeff Bingaman (D-New Mexico), Larry E. Craig (R-Idaho), and Ron Wyden (D-Oregon), for expediting the bill in the Senate.

H.R. 2400 will now be sent to the White House for action by the President, who is expected to sign the bill into law in the coming weeks.



Member



What should the Guam Election Commission do with the casino question Proposal A?

Include Proposal A in the 2006 General Election

Hold a special election after Nov. 2 17.4%

Vote in 2006 General Election 62.2%

Total votes: 201

Local news

PUC to decide on 10% water rate hike

The Public Utilities Commission will decide on the Guam Waterworks Authority's proposed water rate increase at its meeting at 6 p.m. tomorrow on the second floor of the GCIC building. The proposed increase of 10 percent is part of gradual increases over the next three years to pay for an anticipated bond debt. Proceeds of the bond will be used to pay for federally required improvements to the island's water and wastewater systems. Paul Kemp, the agency's compliance officer, said the increase also will strengthen GWA's position on the bond market and will allow the agency to save money in the upcoming years for when it will eventually have to begin repaying about \$11.5 million annually.

Nursing education week ongoing

LC Hard

By Oyaol Ngirairiki

Pacific Daily News
ongirairiki@guampdn.com

In the past several months, Mark Peredo felt compelled to walk instead of ride mass transit buses.

Mark and Meriam Peredo are just two of thousands of people on Guam who have disabilities and are protected by federal laws against discrimination.

The Americans with Disabilities Act was enacted to protect the rights of people with disabilities.

"Historically, society has tended to isolate and segregate individuals with disabilities; and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem, ... in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services," the law states.

But Mark Peredo said, many times, the grumbles and the discriminating remarks about his wife's disability and the accommodations required to assist her come from people who also ride the public bus with them.

Peredo said living with his and his wife's disability is difficult enough without the added stress of "disrespectful comments" by other residents.

Peredo said his wife Meriam, 42, contracted polio when she was a child and



Ric. A. Eusebio

Disable
bus oper
left, remc
helps his

hadn't received for it. ing into ad able to wal ity was lim In the p Meriam Pe walk has c she can't ev feet from th the bathroo ing on to l support.

Pro-casino group weighs its options on Prop A poll

By Gerardo R. Partido
Variety News Staff

EXPRESSING disappointment with the recent developments in the Proposal A vote, the pro-casino group Citizens For Economic Diversity yesterday said it is carefully weighing its options before deciding on a course of action.

The possibility that the casino initiative may not be resolved to everyone's satisfaction surfaced after the Attorney General's Office issued a warning that defects in the voter information pamphlets distributed by the Guam Election Commission may make the vote on the casino initiative this November subject to challenge.

Jay Merrill, a consultant

with CFED, said his organization is very disappointed with the developments in the casino initiative.

"We're now in a no-win situation because if the election is postponed, people may blame us. We're damned if we do, damned if we don't," Merrill said in an interview.

"The AG has made it very clear that even if we were to win in the general election, the result could be questioned. And even if we had a special election, the AG's action now puts a cloud over the whole thing," he added.

AG Douglas Moylan on Monday said Prop A might eventually have to be voted upon in a special election because of the mistakes com-

mitted by GEC.

"We stand by our position that they (GEC) have defective notices that were sent out and can't be fixed before the Nov. 2 election," Moylan said.

While the AG won't stop the casino initiative from being decided in the Nov. 2 polls, Moylan said GEC's failure to follow the election notice requirement properly will render ineffective any decision made on Proposal A during the general election.

"We haven't decided entirely what to do next. We're exploring different options now and what can be done. But our objective is clear. And that is to provide as free and as unfettered an election as possible for the people of Guam to decide," Merrill said.

A special election for Proposal A would require action from the governor and an additional appropriation from the legislature.

While not saying whether CFED is in favor of a special election, Merrill said that as of now, any result on the Prop A vote this November "will not be representative of anything."

"Some of our supporters may be discouraged and not vote anymore during the general election, thinking that their votes won't do any good anyway. Even the undecided may decide to vote against Prop A, not necessarily because they're against casino gaming, but because they may perceive the whole process to be flawed due to GEC's mis-



Jay Merrill

takes," Merrill lamented. "So there's just no way we can get a fair shake out of this whole thing," he added.

Babauta signs law enforcing child support payments

By Ulysses Torres Sabuco
Variety News Staff

SAIPAN — Governor Juan N. Babauta signed into law a measure that addresses the "blatant abuse and disregard" of all Commonwealth court child support orders.

Advocates hailed it as a landmark action citing how enforcement difficulties in child support orders in the CNMI have been eased.

In signing House Bill 14-122 yesterday as Public Law 14-34, the Governor authorized the withholding of in-

come to enforce support orders, and "all missed support payments" become automatic judgments for withholding income.

The new law also provides for mandatory medical support for a child.

"(The new law) provides a practicable and comprehensive scheme to improve the enforcement of support orders issued by (Commonwealth) courts as well as support orders issued in other jurisdictions in the United States, its territories and possessions,"

Babauta told presiding officers in his transmittal letter yesterday.

"This is a more effective way of enforcing child support orders," Babauta separately said before signing the bill into law.

Specifically, the law ensures that individuals required by a court order to "pay support, including child support, medical support or maintenance of a spouse" must make payments in a timely manner. This is through "direct payments" or an "income-withholding order" issued by the court.

The new law also created the CNMI Support Disbursement Unit within the Treasury. The unit ensures funds received from enforcement of an income-withholding order are deposited in a "special and separate" account.

It will be disbursed directly to the individual or family to whom support is owed.

Lucy Blanco Maratita, a child support advocate, helped draft the bill along with Angela Bennett.

It was introduced by Reps. Benjamin Seman (R-Saipan)

and Norman Palacios (Covenant-Tinian).

"This is a bold step. We have been talking about this for many years and this will end (difficulties) of children and custodial parents," Maratita said yesterday.

She says many court orders for child support are currently "blatantly disregarded." There are an estimated 900 child support court orders.

"This makes child support payments more consistent and on time. This is a big step," she added.

GVB markets Guam as a diving paradise

By Gerardo R. Partido
Variety News Staff

THE Guam Visitors Bureau has sent a delegation to the Diving Equipment and Marketing Association 2004 Show in Houston, Texas from Oct. 13-16.

The show is a "trade-only"

special interest fair for professionals in the diving industry. This will be the eighth year that GVB is sending a delegation to market Guam as a diving destination.

The two-person marketing team consists of GVB marketing manager Pilar Laguna and

GVB senior marketing officer Gina Kono.

The GVB team will conduct a "Dive Guam in Magnificent Micronesia" seminar on Oct. 14 featuring Jim Pinson as guest speaker. Pinson will present Guam as having one of the world's rarest diving sites where

relics from two separate world wars are found one atop the other underwater.

The shipwrecks SMS Cormoran and Tokai Maru have already been shown in the Discovery Channel TV program series "Deep Sea Detectives" with Pinson as a co-host of the episode.

Exhibitors and buyers at the DEMA Show are wholesale manufacturers of dive equipment, retailers, dive shop owners and travel industry professionals.

GVB will promote Guam as having one of the richest ocean regions in the world, with clear, warm, blue water, more than 800 species of tropical fish, nearly 400 corals, countless invertebrates, shipwrecks, and reefs, making it one of the finest and most diverse dive destinations in the world.

GVB will also promote Guam's full range of accommodations for any budget, with dive shops that are well-stocked and offer every level of instruction from basic to instructor training.

Reef appreciation courses can also be found at many major dive shops with beach and boat dives taking place daily.

Guam's Blue Hole is one of the region's special novelty dives as divers drift through a huge shaft in the inner wall and emerge over 100 feet down along a wall in the clear open sea.

Guam has over 90 dive sites that are visited regularly by its active dive community. Dive packages for Guam can be found through many local dive shops and tour operators. GVB is encouraging people visiting other Micronesian dive destinations to stop off in Guam for some unique diving experiences.

Guam also has daily "spinner" dolphin tours, snorkeling tours, an undersea observatory, and a huge walk-through aquarium as well as many water and ocean-related activities.

People visiting GVB's booth at DEMA can get a free Dive Guam Brochure, a Dive



Pacific Daily News

©2004 Guam Publications, Inc.

A Gambett Newspaper

IL 35 NO. 257 HAGATNA, GUAM, OCTOBER 14, 2004

HAGA ADAI, IT'S THURSDAY

guampdn.com

75¢ on Guam

Sides spar on Prop A



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Ballot: University of Guam student Gemma Duculan, 18, of Yigo casts her mock ballot on Proposal A after a forum at the University of Guam yesterday. Of the 75 who voted, 54 said no to Proposal A and 21 said yes, according to the university.

UOG gaming forum ends with mock vote

By Steve Limtiaco
Pacific Daily News
slimtiaco@guampdn.com

People with fundamental moral or religious objections to gambling should vote against Proposal A, gaming consultant Frederic Gushin told University of Guam students yesterday afternoon.

But legalizing casinos in

Guam hotels will create jobs and provide long-term economic benefit for the island and the region, he said.

"Casinos have been and will be, here, an economic catalyst for capital — getting money to improve the hotels, expand the hotels, expand the base of tourism, clearly create jobs. Forty-eight states out of 50 can't be wrong," he

said.

Gushin was part of a three-person pro-casino panel that participated in a casino gaming forum, sponsored by the student life office, early yesterday afternoon at the University of Guam student center. Also on that panel were Citizens for Economic

▲ See Prop A, Page 4

Clinic crowding shifts cost to ER

By Katie Worth
Pacific Daily News

tried to go to Public Health clinics, but have been turned

creative ways to get prompt care.

creative ways to get prompt care.

Tropical Storm Tokage passes

By Katie Worth

Pacific Daily News
kworth@guampdn.com

The island spent much of the day yesterday under a flash-flood warning because of heavy rains associated with Tropical Storm Tokage, which passed about 30 miles north of Ritidian Point early yesterday morning.

Though the storm didn't cause much hardship as it passed, meteorologists are warning residents to keep an eye on the weather because there's an ugly mass of clouds on the horizon, and it appears to be waxing storm-like.

Tokage, which means lizard in Japanese, passed through the Rota channel around 5 a.m. yesterday, causing a tropical storm warning for Rota, Tinian and Saipan, but not for Guam. As of 7 last night, Tokage was about 230 miles west northwest of Guam and moving

▲ See Storm, Page 4

TO THE POINT

▲ Tropical Storm Tokage passed the Mariana Islands yesterday without causing much problem, but another formation may develop into a storm and may be heading our way.

Delicious decadence

Get your sweet tooth ready for the seventh annual Pastries in Paradise this Saturday. In today's Mas Pika, we provide some helpful tips on how to prepare for this decadent event.

Guam
PDN
.com
Pacific Daily News
Guam's only source

Don't forget to vote
yesterday's question
today's question

Will your
personal
religious
beliefs
influence
your vote
on Prop A?

Results from yesterday's
poll are on Page 2.

Pacific Daily News
ON THE AIR

Get the
latest news
brought to you by the
Pacific Daily News
on
KSTereO FM 95.5

Listen to live news Monday
through Friday at:
7:30, 8:30 and 9:30 a.m.
11:30 a.m. and 12:30 p.m.
4:30 and 5:30 p.m.

on
Joy 92, 91.9 FM

Listen to live news Monday
through Friday at:
6:30, 7:30 and 8:30 a.m.
4:30 and 5:30 p.m.

Synergize

Synergy Studio works
body and mind with
Tae Bo, pilates,
power yoga
and dance
classes.

Prop A: Economic benefits vs. social impact

▲ Continued from Page 1

Diversity consultant Jay Merritt and Lou Agnon, who is that group's campaign coordinator.

They gathered off against three panelists for Communities Opposing Prop A: Jackie Marrell, Joy James and James Castro.

Gushin's company, Spectrum Gaming Group, has been paid by casino supporters to talk about casino gaming on Guam. Spectrum was paid by some members of the Guam Hotel and Restaurant Association to prepare a report on

Election 2004

The pro-gaming panelists talked mostly about the likely economic benefits of casino gambling, with Gushin explaining how it will be controlled here.

The anti-casino panel talked mostly about the social impact that casino gambling might have on Guam, questioned the powers and spending ability of the proposed casino gaming commission, and said casinos will cause other businesses to lose customers.

Students were asked to vote on the casino issue after the forum and of the 75 who voted, 54 said no to Proposal A and 21 said yes, according to the university.

Attorney General Douglas Moylan has said although the Nov. 2 vote on Proposal A can continue, its

outcome might not be enforceable.

Moylan's concerns stem from the Guam Election Commission's failure to mail out the entire 80-page initiative to Guam voters along with an informational pamphlet.

Special election

Merritt yesterday said CFED is concerned that Moylan's position may result in an unfair election. "What the AG said in essence is that the votes are going to be cast by people who are just not gonna vote," he said.

CFED is now seeking assurance from government of Guam leaders to say that the votes will count this Nov. 2, or for Moylan to retract his position.

"If not, then a special election is going to be required," said Merritt, adding that the cost of a special election should not be prioritized over giving residents the chance to vote on the controversial matter. Holding a special election would cost about \$200,000, officials have said.

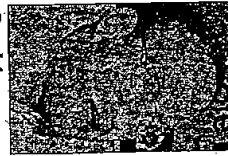
Merritt, during his panel's opening statement at yesterday's forum, said casinos will not solve all of Guam's problems, but are a tool that will allow the community to

better itself.

Casinos aren't a reason for people to travel to Guam, but are something that travelers will expect, he said. Casinos will not dominate the island's economy, but will be an addition to the services that Guam currently provides, he said.

"Prop A, above all else, is a business proposal, and it's a very good one for Guam," he said, adding that it will provide as much as \$106 million in new revenue for the island each year and as many as 2,000 new jobs.

Marrell, of COBA, said casinos intentionally keep customers away from surrounding businesses by having no windows and by providing food and drink so gamblers will not have to leave the casino. Marrell said that CFED's initial claims about the amount of money and number of jobs that would be created here have been disproven by the organization's own survey. She also said that the tax casinos would pay — 9 percent to 11 percent of gross revenues — is too low. "Why are we punting ourselves



Gushin



Marrell

to this industry?" she asked.

Marrell said the number of problem gamblers on Guam will double, as will the crime rate. "A vote for Prop A is a vote for more crime," she said.

Merritt said there is no correlation between casinos and the crime rate. Merritt noted that, at 11 percent, casinos will pay more than twice as much in taxes as other Guam businesses. The only higher tax on Guam is the tax charged on each occupied hotel room, he said.

Tinian comparison

The audience was allowed to submit written questions to the panel during which the issue of the casino on the island of Tinian was raised. Marrell described the Tinian casino as a failure, with only 34,000 visitors last year.

Merritt said the Tinian casino has not done well because the government failed to expand that island's runway, as promised, in order to allow larger jets to land there. Despite its problems, the Tinian casino still contributes \$4 million to an island

with 3,000 residents, Merritt said.

Anti-casino panelist James, who is a student at the university, said religion is the main reason she opposes Proposal A.

"This is not something that would please the heart of God," she said, citing passages from the Bible.

Political science student James Avermann, 19, later got up to reject the religious argument. "What does the church have to do with things that go on in politics?" he asked.

Avermann said no one should tell residents how they should spend their money, whether it's in a casino or on expensive suits. "It's their choice," he said.

Lelani Ramos, 26, who is studying business and marketing, said she is persuaded by the possibility of more money for the island. "I feel that these people that want to start up the commission are very intelligent people. They've done their research," she said.

Ramos said she cares about Guam and supports whatever will generate money for the economy. "We all know that it's not the local government that will make the economy succeed. It's the business enterprises, and they're taking the initiative to generate revenues for our island. They see the potential. They see what it can do," she said.

Pacific Daily News Assistant Local News Editor Gene Park contributed to this report.

Hospital: Reform law complicates care

▲ Continued from Page 1

GNMH assistant chief financial officer Jane Flores.

The scenario happens three times a week, Flores said. "That's how invasive people have to be to receive the care they need," Flores said.

This ends up costing Public Health thousands of dollars a week for what essentially could be done in a clinic for hundreds or less.

Such situations have become much more common since May, when a health-



Ric A. Eusebio/Pacific Daily News/eusebio@guampdn.com

BY THE NUMBERS

A law that reformed the Medicaid program increased the number of visits to the Public Health department's two regional community health centers.

Northern Region Community Health Center

▲ Visits from January to December 2003: 9,196

▲ Visits from January to August 2004: 13,429

Southern Region Community Health Center

▲ Visits from January to December 2003: 5,100

Storm: Another one likely

▲ Continued from Page 1

away, said National Weather Service meteorologist Carl McElroy.

That storm is dragging behind it a band of showers, which should shed rains over Guam today, he said, so residents are warned to keep their umbrellas handy.

But more concerning is a mass of clouds that have con-

ters. Those non-urgent cases would be billed to Public Health with primary care rates, rather than the higher ER rates.

Carnacho said he'd be willing to work with the hospital to develop the option. Emergency room physician Dr. James Murphy said such a solution would at least ensure that people get the follow-up care they need.

He said he often releases people from the emergency room knowing they may not have the follow-up appointments they need at the Public Health regional centers be-



Member

LOCAL

Gaynor Dumart Delano, 477-9711, ext. 417
Gene Park, 477-9711, ext. 412
News tip hot line: Call 475-NEWS
e-mail: news@guampdn.com

Guam PDN.com
Pacific Daily News
GUAM'S COMPLETE SOURCE

Will your personal religious beliefs influence your vote on Prop A?

No 69.2%
as of 8 p.m. Oct. 14

Local news

Search continues for missing fisherman

Guam Fire Department rescue officials and the Navy helicopter squadron last night were searching for a man off the waters of Ipan, Talofofo. Around 6:09 p.m., the Guam Fire Department received a report of a missing person in the waters behind Jeff's Pirates Cove, said GFD spokeswoman Firefighter Phyllis Blas. Blas said four fishermen went out, but only three returned. "Of the three, nobody was hurt or injured," Blas said last night. "But one is not accounted for. They are searching for him now." Fire department rescue units, including 1, 2 and 3 and Medic 7, responded to the scene. Two Navy HC-5 helicopters were also called to assist with the search. The island's waters have claimed 16 lives this year. Last year, six people drowned in the island's waters.

AG: Child support checks on the way

The attorney general's Child Support Enforcement Division announced that all incoming child support payments are being processed daily, and all child support checks are in the process of being mailed to custodial parents. Attorney General Douglas Moylan recently contracted Covansys Corp., which provides support services to child support offices, and slight delays have occurred due to transition issues. If you do not receive your checks on time, call Briget Rodriguez or Diane Blas at 475-3360.

FSM election delayed until Wednesday

The Consulate General of the Federated States of Micronesia has announced that the FSM special election for Chuuk State has been postponed until Wednesday, from 7 a.m. to 8 p.m. at Ypao Beach Park's main pavilion in Tumon. Call 646-9154/5/6.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 412.

GEC warned on pamphlet

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

The Guam Election Commission was told by its attorney several months ago that mailing incomplete informational pamphlets for the casino initiative might be a problem, but the commission mailed single-page pamphlets to voters despite that concern.

The decision to omit the 80-page text of the casino initiative from the pamphlets means the law was not followed, so the results of the Nov. 2 vote on Proposal A will not be enforceable.

Attorney General Douglas Moylan said this week.

One possible solution is to delay the vote and hold a special election for the casino initiative, which is something that can be ordered by the governor or by lawmakers.

Jay Merrill, a consultant for the group that introduced Prop A, this week said a special election is required unless there are government assurances that the Nov. 2 election for the casino initiative will count.

Merrill yesterday said it is unclear where that assurance would come from, although the Election Commission would be a good source.

"It would make sense to have the government come up with a solution to their own problem, and we're doing everything we can to let them know that we'll be willing to work with the government, so long as they can give us some assurance that the election is going to be determined

fair," he said. "It's a completely confused situation. We're not the ones that did anything to begin with. We are the aggrieved party, but so is (Communities Opposing Prop A). People have to have an opportunity to vote, where their vote actually means something."

Special election unlikely

Speaker Ben Pangelinan, D-Barigada, yesterday said he opposes a special election.

Gov. Felix Camacho will not interfere in the electoral process, his spokeswoman, Erica Perez, said, and he supports holding the election on Nov. 2 as planned.

"For the proponents of Prop A to ask for a special election is tantamount to giving them a second chance," Pangelinan said. "The matter of whether or not it being on the ballot is valid is not for the attorney general to decide, it's for the courts to decide. Until such time that that is decided, I feel the election would be valid."

Pangelinan, who is up for re-election, speculated that casino supporters doubt whether the casino initiative can make it through a General Election.

"They're probably feeling that it's not to their advantage (to go through a General Election)," because of the Santos Amendment.

The Santos Amendment makes it more difficult for initiatives to pass

during a General Election because it counts blank ballots and invalid ballots as votes against the initiative.

Merrill said the casino initiative has not even had a first chance, let alone a second. He said the Santos Amendment will not be a factor in the General Election because he believes the casino issue is important enough for voters to fill out their ballots.

The Election Commission's board is scheduled to meet next Wednesday at 4 p.m., but it cannot call a special election, commission legal counsel Cesar Cabot said yesterday. Guam law states that only the governor or lawmakers can call a special election, he said.

"There's already a mandate that we carry out the initiative election. The attorney general has very

strong opinions on the matter, and that's his prerogative, but it's not the court of law," Cabot said. "We have no choice, we have to press on unless a court of law instructs us otherwise."

Cabot several months ago tried to address the pamphlet issue.

Cabot on July 29 sent a letter to commission Executive Director Gerald Taitano, regarding the informational pamphlets for the casino initiative.

"I am concerned because if we are to follow the letter of the law, 17509(a) requires a 'complete copy' of the text of the measure to be mailed to all registered voters," Cabot's letter states. "As you know, the gaming initiative is rather volu-

TO THE POINT

▲ Election officials were aware of the potential problem for the Proposal A vote months ago, and scheduling a new election for the casino initiative appears unlikely, according to the legislative speaker and the governor's office.

minious and over 60 pages long. I am concerned that the amount of funding that the GEC is presently requesting from the Legislature may not be sufficient to follow the strict requirement of the law."

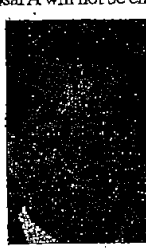
Cabot's letter states that it may be appropriate to let lawmakers know about the strict requirements of the initiative law and perhaps urge them to change the law to avoid a mass-mailing.

There is no record of the commission staff responding to that concern. Taitano is off-island, in Nebraska, to monitor the programming of the vote-counting machines for the General Election.

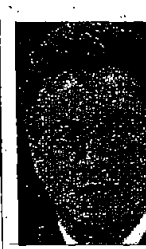
Any request to change the election law would have been channeled through Vice Speaker Frank Aguin Jr.'s committee on government operations, but Aguin yesterday said the Election Commission did not request any changes to the initiative process.

When asked whether the Election Commission asked lawmakers to change the initiative process, Cabot said it did not pursue any changes for the upcoming election, but has raised the issue with lawmakers in the past.

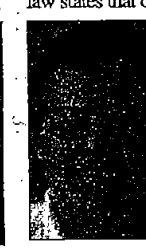
"We have had discussions with prior legislatures and they have not resolved it in any direct action," Cabot said. He said technology offers more efficient ways of getting the information to voters, as opposed to using traditional mail.



Moylan



Camacho



Pangelinan

Election 2004



Secretary of the Navy visits Guam

Arrival: Secretary of the Navy Gordon R. England, right, is welcomed to Guam by Rear Adm. Arthur Johnson, commander, U.S. Naval Forces Marianas, left; and Gov. Felix Camacho, center, after arriving at Andersen Air Force Base yesterday. England is meeting with commanding officers and sailors of Navy commands on island. England also has been invited to attend the U.S. Navy's 229th Birthday Ball and the commissioning of the U.S. Coast Guard Cutter Senneca today.



FILE COPY

MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

October 25, 2004

Certified as true copy.
Patricia Capantao
Clerk of the Legislature
10/27/04

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear Maga'lahi Camacho:

Transmitted herewith is Substitute Bill No. 374(LS) which was passed
by I Mina' Bente Siete Na Liheslaturan Guåhan on October 25, 2004.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Legislative Secretary

Enclosure (1)

ACKNOWLEDGEMENT RECEIPT
received By: *[Signature]*
Time: 8:25 pm
Date: 10-25-04

EXHIBIT 4

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

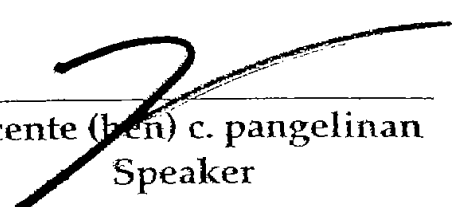
2004 (SECOND) Regular Session

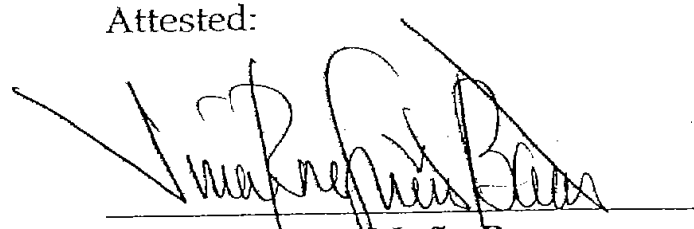
FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Substitute Bill No. 374 (LS), "AN ACT TO CURE DEFECTS IN COMPLIANCE WITH 3 GCA §17509 AND §17511 AND TO ADD §17509.1; AND TO REPEAL 3 GCA §8103 TO ALLOW ADVERTISING ON ELECTION DAY," was on the 25th day of October, 2004, duly and regularly passed.

Attested:


vicente (ben) c. pangelinan
Speaker


Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by I Maga'laken Guåhan this 25th day of October, 2004, at 8:25 o'clock
P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'laken Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 374 (LS)

As substituted by the Author,
and amended on the Floor.

Introduced by:

v. c. pangelinan

F. B. Aguon, Jr.

J. M.S. Brown

F. R. Cunliffe

Carmen Fernandez

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

T. R. Muña Barnes

J. M. Quinata

R. J. Respicio

Toni Sanford

Ray Tenorio

AN ACT TO CURE DEFECTS IN COMPLIANCE WITH 3
GCA §17509 AND §17511 AND TO ADD §17509.1; AND TO
REPEAL 3 GCA §8103 TO ALLOW ADVERTISING ON
ELECTION DAY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that a portion of Guam law that prohibits political campaigning from the
4 time the election polls open is repugnant to the findings of the Courts,
5 wherein similar statutes were unconstitutional regulation of free speech.

1 Similar cases brought before other court jurisdictions resulted in the same
2 decision that laws similar to Guam's are in violation of the First Amendment.

3 It is therefore the intent of *I Liheslatura* to repeal Guam's law in relation
4 to the cessation of political campaigning on Election Day.

5 Further, *I Liheslaturan Guåhan* finds that due to the Guam Election
6 Commission's failure to send out complete copies of the initiative entitled
7 "Proposal A" to all registered voters, *I Liheslatura* wishes to make these
8 documents publicly available at every village mayor's offices, the Guam
9 Election Commission office, at every branch of the Guam Public Library
10 System, the Robert F. Kennedy Library at the University of Guam, the Guam
11 Territorial Law Library, the Office of the Public Auditor, the Office of the
12 Attorney General, and the Senatorial offices, in order to ~~keep~~ voters informed
13 in time for the General Election in November 2004 and to avoid a Special
14 Election. Voting on Proposal A during the November 2004 General Election
15 would guarantee greater participation from voters than any special election.

16 Section 2. §8103 of Chapter 8 of Title 3, Guam Code Annotated
17 (Cessation of Campaigning) is hereby *repealed* in its entirety.

18 Section 3. (a) Notwithstanding 3 GCA §§17509 and 17511, and any
19 rule or regulation, the initiative entitled "An Initiative to Establish the Guam
20 Casino Gaming Control Commission Act" (hereafter "Proposal A"), shall be
21 voted on in the November 2004 General Election.

22 (b) Notwithstanding 3 GCA §§17509 and 17511, and any rule or
23 regulation, the Ballot Pamphlet for Proposal A need *not* contain a complete
24 copy of the initiative measure to be submitted to voters, but complete copies
25 of the proposal shall be posted at all village mayors' offices and the GEC

1 website (www.guamelection.org) prior to the General Election. A complete
2 copy shall also be made available to any registered voter upon request at the
3 GEC headquarters, at every mayor's office, at every branch of the Guam
4 Public Library System, the Robert F. Kennedy Library at the University of
5 Guam, the Guam Territorial Law Library, the Office of the Public Auditor, the
6 Office of the Attorney General, and the Senatorial offices. There shall be *no*
7 fee charged to any voter for one (1) copy of said proposal per registered voter.
8 GEC shall immediately publish in a newspaper of general circulation the
9 availability of copies of the measure.

10 **Section 4.** A new §17509.1 is hereby *added* to Title 3, Guam Code

11 Annotated to read:

12 "§17509.1. Any defect in the Ballot Pamphlet shall *not* cause a
13 delay in the election or be grounds to invalidate the election."



The People

2004 (SECOND) Regular Session

I, vicente (ben) c. pangelinan, Speaker of *I Mina' Bente Siete Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 374 (LS), AN ACT TO REPEAL 3 GCA §8103, RELATIVE TO CESSATION OF CAMPAIGNING DURING ELECTION DAY, AND FOR OTHER 2004 ELECTION MATTERS," which was introduced on this date, September 24, 2004, as substituted by the Author on October 25, 2004 and therefore waive the statutory requirements for a public hearing on Bill Number 374 (LS).

Date: October 25, 2004

vicente (ben) c. pangelinan
Speaker

I MINA' BENTE SIETE NA LIHESLATURAN GUAHAN

2004 (SECOND) Regular Session

Date: 10/25/04

VOTING SHEET

5 Bill No. 374(LS)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
GUON, Frank B., Jr.	✓				
ROWN, Joanne M. S.	✓				
JNLIFFE, F. Randall <u>///</u>		A ✓			
ERNANDEZ, Dr. Carmen	✓				
ORBES, Mark	✓				
ASPERBAUER, Lawrence F. <u>//</u>	✓				
ITZKIE, Robert	✓				
ON GUERRERO, Lourdes A.	✓				
IJAN, Jesse A.	✓				
JÑA-BARNES, Tina Rose	✓				
ngelinan, vicente "ben" C.	✓				
IINATA, John "JQ" M.	✓				
SPICIO, Rory J.	✓				
NFORD, Antoinette "Toni" D.	✓				
NORIO, Ray <u>/</u>	✓				

TOTAL

14 1 0 0 0

CERTIFIED TRUE AND CORRECT:

Patricia C. ...
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Pacific Daily News

©2004 Guam Publications, Inc.

A Gannett Newspaper

VOL. 35 NO. 265 HAGATNA, GUAM, OCTOBER 22, 2004

HAGA ADAI, IT'S FRIDAY

guampdn.com

75¢ on Guam

Phones out islandwide



Ric A. Eusebio/Pacific Daily News/rausebio@guampdn.com

Outage: Matt Gumabon, 21, of Mangilao looks over his receipt after attempting to use an automated teller machine at the Winchell's restaurant in Mangilao. The student and Lone Star Steakhouse employee was among the thousands of island residents affected by yesterday's islandwide telecommunications outage, which disrupted ATM, credit-card, cellular phone, Internet and landline phone services.

By Gene Park

Pacific Daily News
epark@guampdn.com

An islandwide telephone service outage yesterday left island residents stranded with little means of communication, among other luxuries of modern life.

Residents also were unable to make emergency 911 calls, call cell phones with different carriers, call a loved one through long-distance, make credit-card purchases or debit-card purchases at the grocery store, withdraw cash from automated teller machines or surf the Internet.

The outage affected most of the Guam Telephone Authority's customer base of

TO THE POINT

▲ Nearly the entire telecommunications system on Guam was knocked out yesterday, leaving tens of thousands of residents without phone, Internet, automated teller machine or credit-card services. The outage also disrupted the emergency 911 service.

more than 65,000. Residents islandwide shot bewildered looks at their cell phones or at ATMs as a result. Every single telecommunications carrier on Guam was affected,

▲ See Phone, Page 4

Lawmakers pass bills on GTA sale

By Steve Lintiac

Pacific Daily News
slintiac@guampdn.com

The Guam Telephone Authority, which is the last government-operated phone company in the country, is days away from being sold to TeleGuam Holdings.

Lawmakers yesterday voted unanimously in favor of Bill 366, which allows the \$150 million sale to go through, and in favor of Bill 367, which allows the Public Utilities Commission to regulate the new GTA and other Guam telecommunications companies.

Lawmakers said the government of Guam could receive as much as \$30 million in profit once the sale goes through and the phone agency's debts are deducted from the sale price.

TO THE POINT

▲ The Guam Legislature approve the two bills for the sale of Guam Telephone Authority.

Phone agency employees will keep their jobs and customer phone rates will remain the same for at least five years, but the new GTA would have the right to set different prices for "bundled" services.

Gov. Felix Camacho has until the beginning of next month to approve the sale, otherwise it cannot go through.

One of the last details to be addressed was the relationship between the new GTA and the private telecommunications companies that

▲ See Telecom, Page 4

Schools factor in missed days

Many Department of Education schools are canceling their scheduled staff development days to hold classes. Many schools opted to use today to begin to make up the days that were canceled since the beginning of the school year. Schools have missed anywhere from four days to nine days of classes, including the two days

missed this week in anticipation of Typhoon Nock-ten. Topping the list of schools with the highest number of missed days this school year are Marcial Sablan Elementary and Oceanview Middle schools in Agat, each with a total of nine school days canceled. There are 12 make-up days scheduled for schools.



Hearing on Prop A to be set

A Superior Court of Guam judge yesterday, but Superior Court Judge Steven Unpingco disqualified himself. The case was handed to Judge Katherine Maraman.

Election 2004

Proposal A, a voter associated with the casino proponent Citizens for Economic Diversity filed the suit to try to have voters decide the issue in a special election. The hearing was initially scheduled to take place

▲ See story, Page 3

INSIDE

▲ Lawmakers will work to avert a special election for one CCU seat.

Page 7

EXHIBIT 5

Guam P.D.N. .com

Pacific Daily News

Guam's complete source

Due to technical difficulties as a result of the Guam Telephone Authority outage, there were some problems with the Pacific Daily News website. Our website also underwent some technical difficulties.

Pacific Daily News ON THE AIR

Get the latest news brought to you by the Pacific Daily News on KSTereO FM 95.5

Listen to live news Monday through Friday at: 7:30, 8:30 and 9:30 a.m., 11:30 a.m. and 12:30 p.m., 4:30 and 5:30 p.m.

on Joy 92, 91.9 FM

Listen to live news Monday through Friday at: 6:30, 7:30 and 8:30 a.m., 4:30 and 5:30 p.m.

Texas twist

Gabe Lombard transferred to Abilene Christian College to play basketball.

See story, Page 72

Good ol' time

In Fiesta, Song Huang has made tummies full and happy for 29 years.

See story, Page 34

inside

Arroyo pays tribute to allies

Page 22

Download your FREE... throughout the month of October!

Case 1:04-cv-00048 Document 37-6 Filed 11/23/2004 Page 1 of 22

UOG hears about gaming

By Natalie J. Quinata

Pacific Daily News

nquinata@guampdn.com

Students and professors at the University of Guam were given something to think about at yesterday's casino gaming initiative forum at the campus yesterday.

The university's Bachelor of Social Work Program sponsored the forum on the highly debated Proposal A and the social and economic impacts casinos would have on the local community.

Proposal A is scheduled to be up for vote on the Nov. 2 General Election ballot. However, pro-gaming group Citizens for Economic Diversity is calling for a special election after the Guam Election Commission failed to mail out the entire 80-page initiative to voters.

Vivian Dames, the administrative chairwoman for the School of Nursing, Social Work, and Health, Physical Education, Recreation and Dance, said the forum was meant to link the economics of casino gaming to the social costs of the community.

"It's a question of social values, not just economic costs and benefits," Dames said.

Although the social impact of casinos cannot be fully measured at this point, Dames said, she is convinced the social costs will have a negative impact on the island.

"We do not have the necessary institutional safety nets and they're not as strong as other American communities," Dames said of Guam's inability to support a community plagued by the effects of casino gambling.

The event featured gaming expert William N. Thompson, who is a professor at the University of Nevada Las Vegas.

Thompson has studied the dynamics of Guam's economy and through his study has theorized that casino gaming would not be positive for Guam's fragile economy.

In a report he did for Communities Opposing Prop A, which he released Tuesday, Thompson concluded Guam would see a net annual economic loss of about \$77 million. Thompson estimated that it would cost the economy about \$19,000 per troubled gambler, including missed workdays and unpaid debt.

Roseann Jones, an associate professor of economics at the University of Guam, was in agreement with Thompson's views.

"There would be a negative impact, there is more to lose than to gain," Jones said.

Jones said smaller economies such as Guam's rely heavily on the small business community, and casinos do not help in diversifying that aspect of the economy.

"They say it's a business plan,



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Forum: William N. Thompson, a professor at University of Nevada Las Vegas, presents his findings on the potential effects of gaming on Guam as faculty, staff and students of the University of Guam listen during a forum on the UOG campus yesterday.

"It's a question of social values, not just economic costs and benefits."

Vivian Dames
administrative
chairwoman, School of
Nursing, Social Work and
Health, Physical Education,
Recreation and Dance,
University of Guam

but we don't put our businesses through this type of proposition," Jones said.

Jones said she is glad the people get to vote on the issue and said voters need to ask themselves what vision they have for the future of the island before they make any kind

INSIDE

▲ Session: Lawmakers will try to avoid holding a special election for a CCU seat **Page 7**

of decision.

From a social standpoint, Jones said, "People are going to go, there are very few things that you can put in an economy that people won't use," adding that locals will be greatly affected on a social level by legal gambling.

The information given at the forum was enough to seal the decision for UOG student Charlene Calip come election day.

Calip, a communications student, said now she is able to speak about the subject with more conviction instead of theorizing about the consequences, although Calip hasn't yet read the initiative.

"I was against it already, against (casino gaming), but the forum just solidified it and allowed me to make an informed decision," Calip said.

Suit to stop Prop A vote in judge's hands

By Theresa Merto

Pacific Daily News

tmerto@guampdn.com

Mangilao resident Elizabeth Borja said she would have liked to have read Proposal A in its entirety even though it is slightly more than 80 pages long and it would have cost the government \$100,000 to provide it to voters.

"I know the government doesn't have the money, but there are a lot of people who really don't know what this initiative is about, and I'm one of them," Borja, 32, said.

Borja said the pamphlet would have helped her make a more informed decision rather than listening to the opponents and proponents on TV advertisements.

"I need to read it 'cause I know that the whole story about the proposal is not being told," she said.

The error in distributing the informational pamphlets is the reason behind a lawsuit filed Monday to stop Proposal A, which proponents call the casino gaming control initiative, from being placed on the Nov. 2 General Election ballot.

Attorney Tim Roberts filed the suit on behalf of Lourdes "Lou" P. Aguon-Schulte, a registered voter and the campaign coordinator for casino initiative proponent Citizens for Economic Diversity. The suit was filed in the Superior Court of Guam against the Guam Election Commission and its executive director, Gerald Taitano, the Guam Legislature, and Gov. Felix Camacho.

Roberts yesterday filed an ex-parte notice of motion and motion for order shortening the time for the hearing on pre-election injunctive relief, declaratory relief and an order compelling a special election on Proposal A.

Today, a Superior Court of Guam judge is expected to schedule a hearing date for the lawsuit, which could be early next week, Roberts said. The hearing was initially scheduled to take place yesterday, but Superior Court Judge Steven Unpingco disqualified himself because he is up for retention election on the Nov. 2 ballot and his law clerk used to work for the law firm representing the plaintiff.

The case was handed to Judge Katherine Maraman, who is the acting presiding judge.

In documents filed in court yesterday, Roberts said "no one can dispute, and no one has even attempted to dispute," that the Guam Election Commission and its director did not follow the relevant statutes and regulations in putting Proposal A on the ballot.

"The attorney general's office and the attorney general himself have announced to the public that their

TO THE POINT
▲ A hearing is scheduled for today in the Superior Court of Guam in the lawsuit that aims to stop Proposal A from being placed on the Nov. 2 General Election ballot.

votes for or against Proposal A on Nov. 2, 2004, will be meaningless, as will the results of any such election," the court documents state. "Voters cannot be expected to intelligently vote on a law the government has failed to provide to them."

The suit asks to halt the Nov. 2 vote on Proposal A, compel the director and the election commission to remove the Proposal A ballots from the polling places on Nov. 2, and stop the director and the election commission from tabulating any mailed or other ballots on Proposal A.

"When an election is procedurally flawed, the courts must step in before the election and stop it," court documents state.

Taitano said the ballots for Proposal A have been printed. The proposal is printed on the same two-page sheet as the ballots for the public auditor, Consolidated Commission on Utilities, two judicial questions, and the Guam Education Policy Board.

Taitano said it would cost more than \$18,000 and an additional five days to print another ballot without the Proposal A question on them—money and time the board does not have. He said it would also cost \$200,000 to hold a special election on the initiative alone, also money the commission does not have.

"The Guam Election Commission is tasked to conduct elections and provide information to the public consistent with the resources provided to us. Now, we have gone into this budget cycle requesting for \$859,000 and similar to all the other government agencies, our budget was cut down," Taitano said.

"So we had to take a look at our budget and say, 'OK, what in our plan can we cut?' And that was one of the areas in which we looked at, was providing copies of an 82-page document to every voter on this island."

Instead, the election commission printed a one-page pamphlet at a cost of \$25,000.

"I am confident that the voters are being exposed to sufficient information from both sides, that when they do go to the polls, they will cast an intelligent decision," Taitano said. "Because of the debates, because of the media attention that has been given this, everybody on this island who is voting has got some sense as to what Proposal A is saying and how they should vote."

Pacific Daily News

GENERAL INFORMATION

Business hours are 8 a.m. to 6 p.m. Monday to Friday, 8 to 11 a.m. Saturday, and closed Sunday. To call, dial 477-9711, then the extension number.

CUSTOMER SERVICE

For classified ads, to start or stop home delivery or if you missed your paper, call customer service at 477-1PDN (1736) from 5:30 a.m. to 6

p.m. Monday to Friday, 5:30 a.m. to 11 a.m. Saturday, 5:30 a.m. to 11:30 a.m. Sunday, calls only. Subscription rates on Page 6.

NEWS

News tip hot line: 475-NEWS
News fax: 477-3079
News e-mail: news@guampdn.com
Web site: www.guampdn.com
General newsroom: ext. 404
Executive editor: Rindraty Geles
Linliaco, ext. 400, rimliaco@guampdn.com

OTHER DEPARTMENTS

Publisher: Lee P. Webber, ext. 100;
lwebber@guampdn.com
Advertising billing questions: ext. 301
Circulation billing questions: ext. 501
Classified: 472-1PDN
Advertising fax: 477-0359
Sales/sales manager: (670) 234-6035; fax: (670) 234-5986

INDEX

Business 13
Classifieds 64

Editorials/Letters 32, 33
Lifestyle 60
TV 34
Sports 59
Weather 70
World/Nation 6
World/Nation 18

OBITUARIES, ROSARIES

Index to advertisements
Rosaries
Felipe C. Cruz 43
Donald Allen Kidd Jr. 46
Jose C. Benavente, Eliza B.

Cordier and Joyce Benavente ... 46
Death notices

Maria Agnes Camacho Blas ... 43
Rosalia Lujan Pangolinon Soblan 44
Hildebrando Paralta Obias ... 45
John Mandalisoy Adalla 46
Jesus Duenas Castro 46
Raymond Mathews 47
Robert Atigue Mendiola 47
To place a paid obituary, rosary or memorial, call 477-9711, ext. 219.
For a free news obituary, call 477-9711, ext. 404.

Start the day right with delicious egg entreés

BEDFORD HILLS, N.Y. (AP) — Once upon a time, families sat down together for breakfast. They enjoyed favorites like homemade waffles and pancakes dripping with real maple syrup and butter or eggs and bacon. People didn't chirp away into cell phones; they talked with one another. And mom, in her inimitable wisdom, pronounced breakfast to be THE most important meal of the day.

Now fast-forward to the 21st century, where it turns out mom is still right.

Breakfast is indispensable. Not only does it provide essential early-morning nourishment to people of all ages throughout the week, it's also becoming more and more trendy for both business meetings and social gatherings. Any time families and friends want to get together in a relaxed setting they now consider breakfast.

At home, omelets and toast have always been popular, in the wee hours after a night on the town, or when you're alone and want to curl up with some comfort food, a blanket, and a good book.

If mom's breakfast was the benchmark of comfort foods in the good old days, today we want to capture that feeling and more. For anyone looking to move beyond mundane morning food, high-quality, well-prepared ingredients are the key.

Gruyere, Apple, Onion and Almond Frittata

This flavorful frittata that uses ingredients other than the more traditional Italian ones would make a fine breakfast, a light lunch, or could be cut into small squares to pass as an hors d'oeuvre.

5 eggs
½ teaspoon water
2½ tablespoons unsalted butter

1 teaspoon vegetable oil
1 medium onion, peeled and chopped

2 medium Granny Smith or other tart green apples, peeled, cored, and chopped fairly fine
½ teaspoon nutmeg
1/8 teaspoon white pepper
½ teaspoon salt, or to taste
1/3 cup slivered almonds, lightly toasted

1 cup shredded Gruyere cheese

Beat eggs and water in a large bowl until blended.

In a nonstick 10-inch skillet, melt 1 tablespoon of butter and the oil over medium-high heat. Add onion and sauté over medium heat until light brown, about 6 to 7 minutes. Add the apples and continue cooking until they are limp, about 4 to 5 minutes, then scrape them into the beaten eggs. Stir in the nutmeg, white pepper, salt and slivered almonds.

Melt the remaining butter in the skillet over medium-high heat. Pour in the egg mixture, shaking to distribute evenly. After 1 minute, sprinkle on the cheese and adjust heat to medium-low. After 11 to 12 minutes, loosen the frittata, shaking to be sure it is detached. Cover the pan with a large plate and flip the frittata onto it, slide it back into the pan, and cook



The Associated Press

Healthy start: Scrambled eggs is one of the classic dishes we make for breakfast, a meal that's increasingly being recognized as indispensable. Not only does breakfast provide early-morning nourishment to people of all ages throughout the week, it's also becoming more trendy for both business meetings and social gatherings.

for 5 to 6 minutes more. Loosen, if necessary, before removing and cutting into wedges.

Makes 4 to 5 servings as part of a breakfast buffet.

(Recipe created by Joanna Pruess)

Huevos Rancheros Casserole Soufflé

Beaten egg whites add a puff of air, or "soufflé," to keep them light, while corn, cheddar cheese and peppers add zest. Once baked, they can sit for at least ½ hour. Even at room temperature, they are very tasty.

1½ tablespoons unsalted butter, softened

5 to 6 Italian frying peppers, about 6-inches long

12 eggs, separated

4 cups loosely packed shredded medium or sharp Cheddar cheese

2 cups fresh or frozen corn kernels

1 cup milk

2 jalapeno peppers, seeds and membranes removed, and minced, OR 2 rinsed pickled jalapenos, chopped

1 teaspoon salt or to taste

Freshly ground black pepper to taste

6 cups purchased tomato salsa, warmed

Preheat oven to 450 degrees F. Butter a 9-by-13-inch earthenware or glass casserole.

Make an incision along each Italian frying pepper and remove the stem, seeds and membranes, keeping the pepper in one piece. Partially fill a saucepan or skillet with water and bring to a boil. Add the peppers, return water to a boil, and cook until peppers are softened, about 3 minutes. Remove and blot with paper towels. Cool completely, then line the bottom of the casserole.

In a large bowl, beat egg yolks until smooth, stir in cheese, corn, milk, jalapenos, and salt and pepper. In another bowl, whisk the whites into soft peaks, then gently fold into yolk mixture until almost blended. Scrape into the prepared casserole pan and bake in the middle of the oven until eggs are puffy and the top is lightly browned, about 7 minutes. Turn temperature to 325 degrees F, and cook until the eggs are baked through but not dry, 22 to 25 minutes. A knife inserted into the center should come out almost clean. Remove and let eggs sit for a few minutes before cutting into 12 rectangles. Spoon on salsa and serve.

Makes 6 to 8 servings.

(Recipe created by Joanna Pruess)



The Ballot Title and Format for the Initiative Question is as follows:

INITIATIVE MEASURE
SHALL PROPOSAL A, AN INITIATIVE TO
ESTABLISH THE GUAM CASINO GAMING
CONTROL COMMISSION ACT, BE ADOPTED BY
THE VOTERS OF GUAM?
VOTE "YES" OR "NO".

I PRINIPONI
INAPRETAN I PRINIPONI A, MA PRUPOPONI NA U MA
ESTABLESA AKTON KUMISION MINANEHAN HUEGON
KASINON GUAHAN NA U MA APREBA NU I MANAOTAO
GUAHAN NI' MAMBOTOTA?
BOTA "YES" PAT "NO".

PROPOSAL A

This initiative measure shall (1) allow for certain licensed casino gambling activities in approved Guam hotels; (2) create a 5-member Guam Casino Gaming Control Commission which (a) defines the gambling activities allowed, (b) promulgates rules and regulations regarding licensed gambling, (c) enforces said guidelines, and (d) provides for civil and criminal penalties for violations of these provisions; and (3) provide a mechanism by which the Commission shall (a) control the issuance of gambling licenses, (b) conduct hearings under the proposed Act, (c) collect licensing and registration fees imposed by the proposed Act, and (d) enact rules and regulations necessary in carrying out the Act.

☐ YES

☐ NO

DIRECTIONS

INITIATIVE MEASURE

Vote "Yes" or "No" on the initiative measure. A mark in the oval (●) to the left of the word "Yes" shall be counted as a vote for the initiative measure. A mark in the oval (●) to the left of the word "No" shall be counted as a vote against the measure. If you vote both "Yes" and "No", your vote for the initiative measure will not be counted. If you make a mistake, ask for a new ballot.

DIREKSION

I PRINIPONI

Bota "Yes" (Hunggan) pat "No (Ahe)" para i priniponi. Matka halom i ubalao (●) gi fi'on i palabran "Yes" para u ma kuenta i botu hunggan para i priniponi. Kumu un matka i ubalao (●) gi fi'on palabra "No", para u ma kuenta i botu Ahe' kumu ti un apreba i priniponi. Kumu un bota todú i dos "Yes" yan "No", siempre ti u ma kuenta i botu-mu. Yanggen lachi hao, fanggagao nuebu na balotu.

This publication is made pursuant to Section 17105, 3GCA - Elections, and paid for by the Guam Election Commission.

Marianas Variety

Vol. 01 No. 16
©2004 Marianas Variety

Friday • October 22, 2004

www.mvariety.com
Serving the Marianas for 32 Years

50¢

GTA shutdown paralyzes telecom system

By Mar-Vic Cagurangan
Variety News Staff
THE main switch of the Guam Telephone Authority in Hagatna shut down yesterday, paralyzing the telecommunications system all over the is-

land as well as interrupting business and government operations.

The 911 emergency system was also off-line, prompting GTA to advise those needing emergency assistance to drive

to the nearest police or fire stations or their mayor's office.

In a press release hand-delivered by a member of the governor's staff to media offices, GTA said its central

communications office broke down "due to power fluctuation."

"The shutdown affected 98 percent of the island's telecommunications system, including land lines, cellular

services and the 911 emergency system, as were the Hagatna central office links to the GTA Dedado and Tumon Telecommunication switches," GTA said. "The

Continued on page 2

Legislature may intervene in Prop A

By Gerardo R. Partido
Variety News Staff

THE legislature may step into the controversial Proposal A poll dispute in an effort to enable the casino issue to be voted on this November.

According to Speaker Vicente Pangelinan, his office has received all the documents pertaining to the lawsuit filed by the pro-casino group Citizens For Economic Diversity (CFED).

"We have forwarded those documents to the legislature's legal counsel. They haven't had a chance to discuss the matter in depth, but I certainly think that the court may be hard pressed to skirt around the jurisdictional issue of ordering a special election or ordering the legislature to provide funding for a special election," the Speaker said in an interview.

Last Tuesday, the law firm of Dooley, Roberts & Fowler announced that CFED will file a lawsuit for injunctive relief

Continued on page 2



ALL CLEAR. After typhoon Nock-Ten spared Guam and the CNMI, this man is back fishing at Salpan's Gerapan fishing base on Thursday.
Photo by Jacqueline Hernandez

Board fails to submit papers on Guam cancer clinic issue

By Gerardo R. Partido
Variety News Staff

THE Guam Board of Medical Examiners still has to submit documents requested by Sen. Lou Leon Guerrero under the Freedom of Information Act. She heads the legislature's Committee on Health.

She had requested all documents pertaining to the case of oncologist Dr. Jojo Pasion's rejected medical license application.

"They have not yet responded to me. Whether they want to comply with the FOI law or whether they say their information is protected, they

should at least respond," Leon Guerrero said.

Pasion applied for a Guam medical license to practice for Dr. Kia Rahmani and Dr. Jitka Lom's Hafa Adai Cancer Care center.

His application was disapproved after it was discovered that his U.S. license had lapsed while practicing medicine in the Philippines for the last couple of years.

The Hafa Adai Cancer Care center has since closed since Pasion, the center's only oncologist, was unable to also obtain a visa due to the board's "undue delay."

Leon Guerrero sent her request for all the Pasion documents in response to the public's outcry after the Hafa Adai Cancer Care center closed its doors.

"I'd like to remind the board members that it's a freedom of information request and that there are penalties if they do not respond. They can certainly write back and ask for an extension. But there's been no response at all," the senator complained.

"I think the issue is not about Pasion's competence or qualifications. I think it's beyond that and I don't know what the

agenda and the intent of the different parties are which is precisely why I asked for the documents pertaining to the Pasion case," Leon Guerrero said.

"The board has been very strict in its application and that's good because that is their mission, which is to safeguard the community. But they must also be flexible to make sure that we don't turn away doctors that we need crucially. There's a big void out there and there's a public outcry for an oncologist," the senator added.

Continued on page 2

Inside:

- GTA shutdown p. 3
- Guam board p. 5
- Int'l group p. 15
- Clinton to campaign p. 17
- Philippines p. 17

FREE + **Share** + **unlimited**
cellular + **wireless**
minutes + **calls**

CONNECT
IMITATED...NEVER EQUALED

Babauta sticking with Commerce chief

By Ulysses Torres Sabuco
Variety News Staff

SAIPAN — The administration is not backing out from its nomination of Andrew S. Salas as Commerce secretary.

Salas made his debut as Commerce secretary-designate at the Cabinet meeting yesterday.

Gov. Juan N. Babauta is hopeful that the Senate committee on executive appointments and government investigation will confirm Salas, whose appointment remains unacted on since Sept. 10.

Salas was formally introduced by the Governor to the 10 Cabinet members and 16 agency and division heads yesterday.

The Senate appointments com-

mittee has requested the Federal Bureau of Investigation to look into whether Salas has a criminal record.

"We are excited for him to come onboard... for former congressman Salas to serve as secretary of Commerce," Babauta said.

"We hope that the Senate will confirm him tomorrow, if not next week," the Governor added.

The Senate will hold a session at 10 a.m. today, but there is no word on whether Salas' nomination will be entertained.

Babauta trumpeted Salas' expertise, saying he had to "pull out" the former assistant Labor secretary to share his "expertise" with the Commerce department.

Fernán M. Atalig used to head

Commerce, until he was named Finance secretary in the middle of the year.

Senate President Joaquin G. Adriano (R-Tiendan) separately clarified that there is nothing "unusual" with the Senate EAG's request for the FBI to look into Salas' past.

Adriano added that he is supporting Salas' nomination — for the "continuity of services" at the Commerce department.

This is the first time the Senate panel has asked the FBI to investigate a government nominee.

Salas remains mum on the issue of his past, especially while he lived on the U.S. mainland.

A ranking government source had confirmed that there are "alarming" regarding Salas' past.

"This is my first meeting," Salas told Cabinet members yesterday. He added that the department is "short-staffed."

Salas laid out several "goals and targets" he hopes to achieve by next year. Among them include the conduct of a comprehensive census as well as the complete staffing and automation of his department.

Among the bold steps Salas wants to take is for Commerce is to come up with an agreement with the Department of Finance to allow Commerce to "take a look at all cash registers and poker machines."

This, he said, will determine who are underreporting revenues and taxes.

Salas said the Office of the Public Auditor will be asked to look into the "feasibility" of such action.

Yesterday's Cabinet meeting was the first in more than three months. This is also the first time in nearly a year that the media was allowed to observe the meeting.



While Governor Juan N. Babauta listens intently, acting secretary Andrew S. Salas lays out his plans for the Department of Commerce in yesterday's cabinet meeting. Photo by Jacqueline Hernandez

Villagomez to push through with MPLA board meet

By Gemma Q. Casas
Variety News Staff

SAIPAN — The Marianas Public Lands Authority's controversial special board meeting being called by three board members without the consent of chairwoman Ana Demapan-Castro may still push through today, despite member Nick Nekai's apparent cold-feet in attending it.

In a phone interview, Nekai told Variety he "will try" to attend the meeting which is being held on Saipan.

At the MPLA office, a letter signed by Nekai was posted, saying that he was rescinding his participation in calling for today's meeting.

At least three of five MPLA board members must attend the meeting to have a quorum.

Rota's representative to the board, Benita Manglona, is expected to show up.

Other board members expected in the meeting are vice chairman Manny Villagomez and Felix

Sasamoto.

Variety repeatedly contacted MPLA for comment but failed.

Demapan-Castro believes that the special meeting that the three organized with their agenda to reinstall former MPLA commissioner Henry Hofschneider, is not legal without her consent.

Cooler heads to intervene

Manglona, meanwhile, said she is aware of the meeting on Saipan.

She said she and other board members will try their best to convince Demapan-Castro and Villagomez to settle their differences internally.

"We're trying to resolve this issue internally," she said.

Nekai too expressed his desire to have Demapan-Castro and Villagomez's dispute settled.

"I only have good thoughts (for both of them)," he said.

Variety also contacted Demapan-Castro and Sasamoto for comments but failed.

Villagomez and Demapan-Castro's feud started when the latter

ordered Hofschneider's suspension for alleged insubordination.

Villagomez is Hofschneider's uncle.

The suspension later escalated to the untimely termination of Hofschneider's employment contract which is now the subject of his complaint at the Superior Court.

Demapan-Castro recently appointed former public works secretary Edward DeLeon Guerrero as Hofschneider's replacement.

In a separate interview, Villagomez said he doesn't hold grudges against Nekai for allegedly turning his back on him and the meeting.

"It's up to him (Nekai). I respect his comment," said Villagomez.

He said he is willing to sit down with Demapan-Castro to settle their differences.

But still, he wants to push through with the meeting.

"We're still continuing with our meeting," said Villagomez.

GTA...

Continued from page 1

system suffered a mechanical failure, followed by a failure of its backup rectifier system," GTA said.

The telephone service disruption affected many government offices including the Guam Police Department. Most government of Guam offices located in Hagatña were disrupted by central office failure. GTA communications manager Sam Hill was not available as of press time for further comment. He was at the Legislature attending the session, where senators were finalizing discussions about the GTA privatization bills.

Terry Rosario, a staff member at GTA in Tamuning office, said affected telephone lines were those with numbers

beginning with "472" to "479." These numbers could neither place outgoing calls nor receive incoming calls. Lines that start with 648 and 649 would exchange calls.

"We have no new information as of now. Our men are out in the field and we have no contact with them," Rosario told Variety. "The Office of the Civil Defense may be the office that can provide better information."

GTA said it is working with military communications technicians to rewire its system. It expected that service would be restored by midnight.

GTA asked the public "to refrain from using landline and cellular phone services unless it is absolutely necessary until further notice."

Legislature...

Continued from page 1

to stop the vote on Proposal A during the Nov. 2 general election.

Tim Roberts, a partner in the law firm, said they decided to sue because the government has taken away the people's right to vote.

"This lawsuit is about the people's right to vote and not about gambling. Your right to vote has been taken away by the government," Roberts said during a press conference.

CFED's action stems from the Attorney General's recent announcement that the Prop A informational pamphlets mailed to the voters were "legally flawed" and that the results would be unenforceable.

The group wants to schedule a special election, arguing that the Nov. 2 vote on Prop A is already "tainted, flawed, illegal, and invalid" because of the Guam Election Commission's failure to properly inform the public about the proposal.

However, holding a special election would require an appropriation from the legislature and senators have already

indicated that they would not be amenable to that because of its high cost.

To save money, Pangelinan said, legislators are looking into the possibility of waiving certain requirements that would allow Prop A to be included in the Nov. 2 general election.

Since the problem is the result of GEC's not following the provisions of the law, the Speaker said the legislature is considering "waiving" those legal elements which were not followed.

"We're researching the issue right now and we're considering all our options. Amending the law or crafting a new law are among the remedies available," Pangelinan said.

Pangelinan also expects the Prop A plebiscite to push through next month "unless the court decides otherwise."

As of press time yesterday, the Superior Court was scheduled to hold a hearing on CFED's request to have the court declare that the Prop A vote this November is invalid.

Board...

Continued from page 1

According to Leon Guerrero, cancer cases are increasing and is Guam's second cause of death.

She added that cancer patients are spending a lot of money for off-island treatment and the government needs to make sure that adequate medical services are available here.

"Physical and spiritual healing is better for patients in familiar environments. So when talks of a new private cancer clinic opening were announced, I was really happy that the private sector was finally coming together. Now suddenly, there's a big issue about it," Leon Guerrero said.

She added that the set-up that Dr. Rahmani had in mind

was a non-profit operation, funded in part by federal grants.

The board's meeting to discuss the issue last Wednesday was postponed due to Typhoon Nock-Ten. The board was supposed to discuss sanctions it would impose on Pasion and Rahmani for allegedly breaking the law by practicing without a license.

The senator said she will find out when the board will next meet so that her office can learn more details about what's transpired.

"I hope they temper their judgment with compassion and mercy for the people of Guam and rise beyond any special interests or agendas," Leon Guerrero stressed.

Guam can't compete with Asian casinos—analyst

By Mar-Vic Cagurangan
Variety News Staff

Guam doesn't have what it takes to compete with other casino destinations in Asia, gaming analyst Dr. William N. Thompson said yesterday.

Thompson, a University of Nevada professor, said it would be hard for Guam to lure high rollers to come and gamble here because local hotels might not be able to afford the perks offered by casino operators in Macau and Seoul.

"You can't give away airlines trips; you can't give away hotel rooms. These are what Macau casino and Walker Hill casino in Seoul offer to high rollers who gamble \$30,000 to \$40,000 per visit. You don't have the things that can bring those persons," Thompson continued.

"Casinos in Macau and Seoul are so big and in a few years they will be making more money than Las Vegas," he added.

Thompson was commissioned by the Communities Opposing Proposal A to do a study on the

impact of casino gaming on Guam. He said he was paid \$6,000 to do the study and that proponents of Prop A paid their expert more than that to "quote from my own report."

Proponents and critics of the Casino Gaming Initiative continue to step up their campaign despite the Citizens For Economic Diversity's lawsuit seeking the cancellation of the Prop A plebiscite on Nov. 2.

Thompson yesterday presented to the legislature the results of his study, which he first shared Monday with members of the Guam Chamber of Commerce.

He told senators that Guam does not have the Las Vegas-type economic model that can support a successful casino industry.

"The Las Vegas economy is strong because 90 percent of the money brought into the casinos are from visitors and the owners are locals, who then take the profits to build more things in Las Vegas. They don't take the profits off island," Thompson said.

"That's what you need here — a model where the gamblers are tourists and the profits stay on Guam."

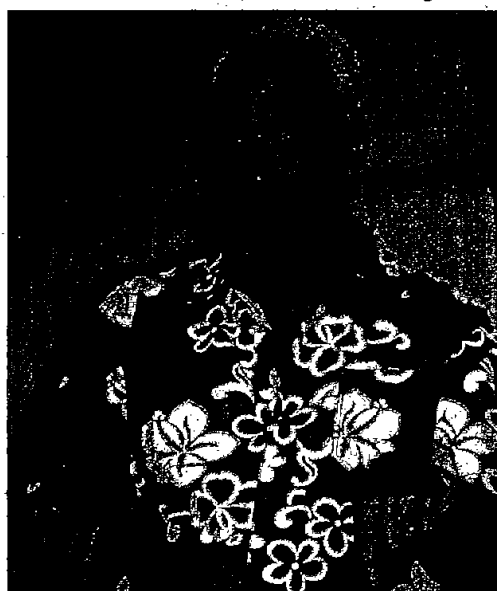
But he said the 20 percent of the total \$100 million gambling revenue that Prop A is expected to bring into Guam is not new money, "since the money is from tourists who come here anyway with or without the casino."

"We can expect some additional visitors if casinos are established. However, extra visitors will be offset by existing visitors who will not come to Guam due to the casino," he added.

Snarling from CFED's statement that his study was "faulty" because it used a mainland state as a basis, Thompson said, "They also used the mainland as a basis of their own study. What's the difference?"

Toward the end of his presentation, Thompson suggested the legislature review Prop A before presenting it to voters.

He suggested, for example, that Prop A be revised to provide a mechanism that will keep local residents away from the casinos.



Dr. William Thompson presents the result of his study on casino gaming on Guam to the Legislature Thursday.

Photo by Mar-Vic Cagurangan

Attorney General will not prosecute beach goers

By Trina A San Agustin
Variety News Staff

THE Attorney General sent a letter to the acting chief of police yesterday informing him that his office would not prosecute any person arrested by Guam Police officers for entering any of the island's public beaches.

AG Doug Moylan stated on Wednesday that his office was not consulted before the governor signed the executive order, "As you know, without this office's decision to charge an arrestee, they can be held from 24-48 hours depending upon the day of arrest," Moylan stated in his letter.

The executive order closed all public beaches island-wide due to unsafe conditions caused by typhoon Nock-Ten. The directive gave local law enforcement the authority to prosecute persons who violate the order which

was created to ensure the safety of the public during the unsafe surf conditions caused by the typhoon.

Moylan advised acting chief Frank Ishizaki that if any law enforcement officer who arrests or attempts to interfere with a person's civil liberties to freely access the beaches under the governor's executive order is doing so at their own risk.

"These government officials may face civil liability by the affected person(s) for violating their civil rights," Moylan wrote.

As of 5 p.m. Wednesday evening, the Guam Police Department reported that 45 individuals were advised to comply with the executive order after being found in Guam's waters.

The Department of Parks & Recreation and the Department of Public Works posted beach closure signs advising of haz-

ardous water conditions.

Gov. Felix P. Camacho, in conjunction with the Office of Civil Defense and Homeland Security, lifted Tuesday's executive order after waters were deemed safe for the public.

"I'm glad we were able to prevent any unnecessary tragedies due to rough waters caused by this typhoon. If this action prevented the loss of any life it was worth any inconvenience," Camacho said.

Moylan's letter on Wednesday to the governor and his legal counsel stated the AGO is the only authority to prosecute local crimes on Guam, and that local law enforcement officials should not be arresting or prosecuting anyone without having a law in place to do so.

He added that the decision on whether to prosecute any local crime lies with the AG's office and not with the governor.

But according to Moylan, the

legislature is the only one authorized to pass legislation which would make it a crime to engage in certain forms of conduct.

"Please advise under what authority the governor has issued his executive order prohibiting the public from entering public beaches," Moylan asked Sharon Taitano, the governor's legal counsel.

The AG described the governor's action as "attempting to impose a state of martial law without declaring it, so that the other checks upon his powers cannot be exercised."

The governor's office on Wednesday said AG Moylan was challenging the "organic right" of the governor. Special Assistant to

the governor Shawn Gumataotao said Moylan's actions were ridiculous, given the severity of the situation, adding that the governor was just acting on past experiences after typhoon Chaba passed through the region in July.

BIBA CHAMORU
Bilingual puzzles and activity book

NOW AVAILABLE!

- All Crafts
- Bestiaries
- Crosses
- Etc.
- Faith Bookstore
- Hava Nava Cafe
- Jade Gifts
- Jeff's Pirates Cove
- Nuts & Grains
- Taro Hut

For a sneak peak, visit www.bibachamoru.com

Public Defender Service Corporation
(Kotperasion Setblision Defensor Pubbleku)

Government of Guam
200 Judicial Center Annex
110 West O'Brien Drive
Hagåtña, Guam 96910
Phone: 475-3100
Fax: 477-5844

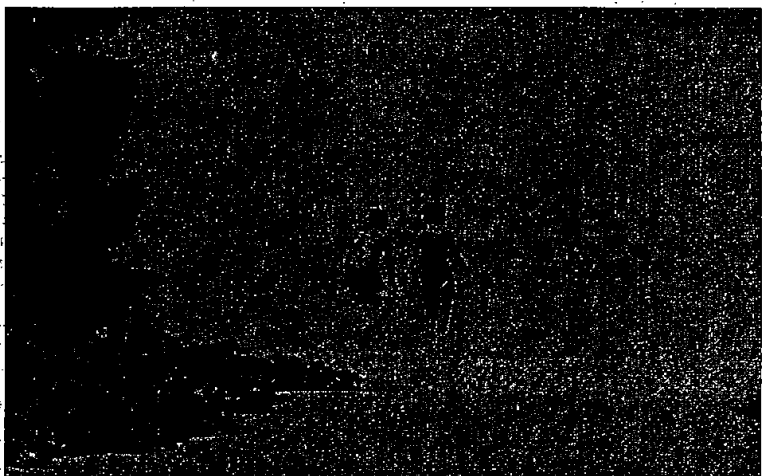
PUBLIC MEETING - ANNOUNCEMENT

The Board of Trustees of the Public Defender Service Corporation will conduct a regular meeting on Tuesday, October 26, 2004 at 12:00 p.m. in the Justice Monessa G. Lujan Appellate Courtroom of the Supreme Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam.

Copies of the agenda will be available prior to this meeting. For further information, please contact Bernadette S.N. Chagualaf at 475-3100.

Individuals requiring special accommodations may call Bernadette S.N. Chagualaf at 475-3100.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



Tourists walk into the Matapang Beach in Tumon to take a quick dip, even though the governor signed an executive order closing all public beaches island-wide. Atty. Gen. Doug Moylan argues that his office will not prosecute individuals brought in by law enforcement officials because the Attorney General's Office only has the authority to prosecute local crimes.

Photo by Trina A. San Agustin



Member

LOCAL

Local news editor: David V. Ricosano, 477-9711, ext. 414

Assistant local news editor:
Mor Dumalal Daleno, 477-9711, ext. 417
Gene Park, 477-9711, ext. 412

News tip hot line: Call 475-NEWS

e-mail: news@guampdn.com



EDITOR'S NOTE

▲ Due to technical difficulties as a result of the Guam Telephone Authority outage, no online poll question was posted yesterday.

Local news

Power outage in Yona, Tai scheduled

Guam Power Authority has scheduled a power outage in Yona and Tai/Mangilao from 9 a.m. to 3 p.m. today affecting the Pago Bay Bridge location, Pago Bay Estates, San Agustin residence, cliffside Tai and others in the area.

Hospital takes steps to exterminate rats

The Guam Memorial Hospital is spending about \$15,000 to plug up holes in the wall at the Tamuning facility and for extermination services after officials there discovered dead rats, according to hospital Administrator Bill McMillan. A few days ago, two rats were found at GMH's business office, said GMH's medical director Dr. George Macris, adding that the rats were found dead between two walls at the business office area. Macris said the business office isn't near the patient care area and hospital staff "have not found any trace of rats near the patient care area." Macris said the hospital is taking strides to keep rats out of the hospital. "We're plugging up the access areas that the rats used to get in ... and we've instructed employees not to bring in or leave any food around the offices," Macris said.

Symposium on education today

The governor is hosting an education symposium today. The work session, dubbed "Teaching Excellence for All Our Children," will include more than 30 people from the Guam Education Policy Board, University of Guam, Civil Service Commission, Guam Parent-Teacher Organization Council, Department of Education, Guam Community College and governor's office. The work session is scheduled for 9 a.m. to 4 p.m. at the Palace Hotel Guam. "What the working session is aimed at is creating a five year education reform strategy to improve classroom instruction," said governor's spokeswoman Erica Perez.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

▲ U.S. Army Spc. Jonathan Pangelinai Santos previously lived in Santa Rita. His family now lives in Bellingham, Wash. Other information was published in stories on Page 5 of the Oct. 19 edition and Page 2 of the Oct. 20 edition of the Pacific Daily News.

Fallen man returns

By Oyaol Ngirairikl

Pacific Daily News
ongirairikl@guampdn.com

The body of former Guam police Officer Ferdinand Ibabao is returning to Guam today.

A ceremony will be held for family and close friends at the Guam Commuter Terminal around 6 p.m. in honor of Ibabao.

The 36-year-old father and former Agat resident worked for DynCorp, a private security company. He was killed in an explosion in Iraq that officials have called a suicide bombing.

At about 11:30 a.m. on Oct. 14, Ibabao and three other DynCorp employees were at the Green Zone Café in Baghdad, Iraq, when an explosion reduced the café to a pile

SERVICES

▲ Rosary services will be held at 7:30 p.m. daily until Monday at the St. Andrew's of the Philippine Sea Episcopal Church in Agat.

▲ Funeral services for former Guam police officer Ferdinand Ibabao will be held Tuesday at St. Andrew's. Viewing will be held from 9 a.m. to 1 p.m. with Christian burial to follow at the Guam Veteran's Cemetery in Piti.

of rubble.

Ibabao's fellow employees were immediately listed as having died in an explosion. Ibabao was listed as missing and presumed dead. At about 1:30 p.m., a few hours after digging through the rubble of the

café, officials had found Ibabao's body, but his identity was not confirmed until a few days later.

For a few short days, Ibabao's family held on to the hope that Ibabao had somehow survived the explosion and was at a hospital somewhere in Iraq, remaining unidentified through the confusion.

Official word of Ibabao's death reached his family about two days later.

Ibabao is the sixth son of the Micronesia region to have been killed since the war in Iraq officially ended, and the third to be killed in the last two months.

Ibabao's brother-in-law, Dongman Chang, said funeral services for Ibabao are scheduled for Tuesday.



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Wave: St. Anthony Catholic School seventh-graders Hye Young Kong, 13, left, and Hye Chung Kim, 12, right, both of Tamuning, wave to motorists along Marine Corps Drive in Tamuning. The two girls were among a group of people who gathered along the road to encourage island residents to vote against Proposal A.

4 judges recused from Prop A case

By Theresa Merto

Pacific Daily News
tmerto@guampdn.com

Finding a judge to hear a lawsuit that aims to stop Proposal A from being placed on the Nov. 2 General Election ballot has become a difficult task, after several Superior Court of Guam judges disqualified themselves from hearing the case.

Attorney Tim Roberts filed a suit Monday on behalf of Lourdes "Lou" P. Aguon-Schulte, a registered voter and the campaign coordinator for casino initiative proponent, Citizens for Economic Diversity.

The suits asks the court to compel the government to hold a special election on the controlled casino gambling initiative — Proposal A — because of errors made in an informational pamphlet sent out to voters. Instead of sending out the 80-page informational pamphlet as required by law, the Guam Election

Commission sent a one-page pamphlet. Election commission Executive Director Gerald Taitano has said that the election commission did not have the money to print out the 80-page pamphlets.

The suit was filed in the Superior Court of Guam against the Guam Election Commission and Taitano, the Guam Legislature and Gov. Felix Camacho. The lawsuit asks the court to compel Taitano and the election commission to remove Proposal A from ballots and forbid officials from tabulating any absentee votes that have been cast. The suit also asks for an order compelling the governor or the Legislature to call for a special election on Proposal A, to be held no later than 60 days after the date of the court's order.

But having the suit heard has been difficult.

Superior Court Judge Steven Unpingco disqualified himself Thursday because he is up for retention

election on the Nov. 2 ballot and his law clerk used to work for the law firm that is representing the plaintiff.

Yesterday, Judge Elizabeth Barrett-Anderson recused herself.

"I was told it was because she had a son who works at the election commission," Roberts said.

Also yesterday, Judge Michael Bordallo disqualified himself because he will be off island next week. Judge Anita Sukola also recused herself, although Roberts did not know her reason for recusal.

The case was handed back yesterday to Judge Katherine Maraman, who is the acting presiding judge. She disclosed to attorneys that she is a longtime friend of Aguon-Schulte.

She told attorneys that they have until Oct. 27 to file any documents in response to the suit or any objections they may have in her hearing the case. Maraman yesterday set Oct. 28 as the hearing date on documents filed before then.

Lawmakers seek to fix GEC issues

By Steve Lintiacio

Pacific Daily News
slintiacio@guampdn.com

The Guam Election Commission failed to follow election rules and regulations, according to Speaker Ben Pangelinan, D-Barrigada, who said lawmakers are discussing ways to fix the problems that have resulted.

The commission's decision to omit the text of the casino gaming initiative from a voter information pamphlet means the results of the Nov. 2 vote on that proposal will not be enforceable, according to the attorney general. Supporters of the casino initiative have sued for a special election.

And Pangelinan said all three vacancies on the Consolidated Commission on Utilities should be filled during the Nov. 2 General Election. Instead, the Election Commission decided that only two seats can be filled on Nov. 2 and the third must be filled through a separate, special election. The General Election ballot, which already has been cast by absentee voters, allows voters to select only two commissioners.

Pangelinan said the Election Commission misread the law regarding vacancies for the Consolidated Commission on Utilities, which states that the special election shall be held during the next General Election.

"If the commission had just followed its own rules and regs, as well as the law, I don't think we would be in this situation," Pangelinan said.

Senators in the Democratic majority spent much of yesterday afternoon behind closed doors, but have not decided on any solutions. Senators gathered in the session hall at about 5:30 p.m. and decided to adjourn session indefinitely, subject to the call of the speaker. Pangelinan noted that the next court hearing for the casino case is not until late next week.

"We were trying to see if there was a legislative remedy to assist the issue before the court on the Prop A (casino) election and the challenges and the questions to that," Pangelinan said. "The question still kind of remains undefined, so we continue to discuss what those remedies could be. ... The body felt that we needed to continue discussing the matter and see where it goes."

THE LAW

What Guam law says about vacancies on the Consolidated Commission on Utilities:

▲ Vacancies. A permanent vacancy in the Office of a Commissioner shall result in a Special Election to fill that vacancy, to be held on the date of the next General Election following the date that the permanent vacancy occurred, or at a Special Election called by the Legislature. The person elected to fill a permanent vacancy shall serve for the balance of the term of the member whose position is being filled.

Guam law

Print this story

Legislature passes bill to allow Prop "A" to appear on General Election ballot

by Andi Atteberry, KUAM News
Monday, October 25, 2004

Despite the many objections raised on the legality for the vote on the controversial Proposal "A", just after 8pm Monday evening, the 27th Guam Legislature voted to pass a bill that moves ahead on the issue.

Speaker Ben Pangelinan called session at 4pm to consider Bill 374. The Speaker says the main purpose of the measure is to clarify the law on campaigning on Election Day on November 2. The law is currently appears to prohibit election ads on Election Day, however, the Guam Attorney General's Office has said that banning ads on Election Day violates candidates free speech rights.

Bill 374 would clarify that advertising on Election Day is acceptable. Speaker Pangelinan also says a rider is being attached to the measure that would delete the requirement for the entire Prop "A" initiative to be mailed out to Guam's registered voters. The change is an attempt to allow the vote on Prop "A" to go forward in spite of the Guam Election Commission not following the current law that mandates initiatives be mailed out in their entirety to registered voters.

The vote this evening was 14-to-1, with Senator Randy Cunliffe voting against the measure. The bill is being transmitted to the Governor's Office for his review.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Print this story



Is Prop A in the overall best interest for Guam?

No 57%
as of 8 p.m. Oct. 24

Local news

AG warns of price gouging on vaccines

With the limited supply of flu vaccines nationwide, price gouging may follow, warned the attorney general's office. A consumer advisory from the AG's office states that the average cost for the flu vaccine is about \$80 to \$100 to the hospital or health system for 10 vaccinations, and about \$10 to \$15 per vaccination for a consumer. Residents who suspect price-gouging activity can call the AG's Consumer Protection Division at 475-3409.

Utilities commission meeting tomorrow

The Consolidated Commission on Utilities will hold its regular meeting for Guam Power Authority and Guam Waterworks Authority at 5 p.m. tomorrow at the Yona mayor's office. Public comments will begin at 6:30 p.m.

Sanctuary Inc. jazz fund-raiser planned

Sanctuary Inc. will hold its 33rd Anniversary Celebration Jazz Concert fund-raiser from 6 to 11 p.m. Nov. 10 at the Infiniti Showroom in Nissan Motors in Upper Tumon. Sanctuary is a nonprofit that provides comprehensive services to the island's abandoned, abused, runaway and homeless youth. Tickets are available at Sanctuary's office at 406 Mainmair Road, Chalan Pago, or at the door.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

▲ Former Philippine President Corason Aquino was expected to attend Mass yesterday morning at the Dulce Nombre de Maria Cathedral-Basilica. Other information was published in a box on Page 3 of the Oct. 24 edition of the Pacific Daily News.

▲ Ferdinand Ibabao is the sixth son from Guam and the rest of the Micronesia region tied in the ongoing U.S. presence in Iraq. Other information was published in a story on Page 3 of the Oct. 24 edition of the Pacific Daily News.

By Steve Limitiaco

Pacific Daily News
slimitiaco@guampdn.com

The computerized voting machines used during the primary election are the most noticeable change in Guam elections as a result of the Help America Vote Act of 2002, but the Guam Election Commission continues to make other changes in order to comply with the new federal law.

The act was passed in response to allegations that some voters during national elections in 2000 were improperly prevented from voting and that many votes could not be counted because of the types of ballots that were used.

The new iVotronic electronic voting machines are intended to provide a more accurate count of election results. Voters now are allowed to cast "provisional" ballots if election officials try to turn them away from the polls, and the Election Commission is trying to make the voter registration list more accurate and timely.

A third grievance procedure was added, to allow any voter to lodge complaints with the Election Commission board about the conduct of elections, including whether the polling places were adequately lit and accessible.

More electronic voting machines will be purchased in time for the 2006 elections, to completely replace the paper ballots at the polling places.

Paper ballots still will be used, however, for absentee voting.

Guam has received more than half of the \$4 million in federal funding to improve elections.

"Right now, we are in compliance of the significant requirements of the Help America Vote Act. What we need to do now is start tweaking our programs," said Election Commission Executive Director Gerald Taitano. "We are going to be converting the centralized voter registration program from a University of Guam database system to an internal GBC voter registration system."

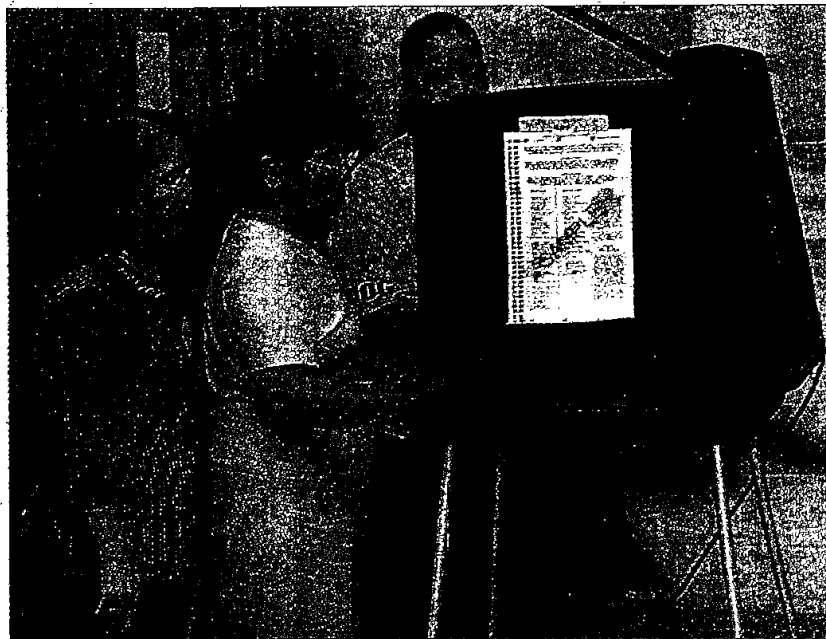
Taitano said \$125,000 will be spent on new software and training. The list must be moved to the commission, he said, because the university is unable to meet all of the federal requirements.

"What we need to do is also link the verification process with the Department of Motor Vehicles, with the Social Security Administration, with the Department of Corrections, with the Superior Court and Public Health," he said. "That's to verify dates of birth, that's to verify Social Security numbers, that's to verify that they have not expired."

The commission also intends to allow voter registration lists to be



Taitano



Pacific Daily News file

New equipment: Guam Election Commission precinct inspector Carmelita Gutierrez, left, and poll worker Monique Finona, right, instruct Mary Edavea, 52, of Yigo, center, in the use of an electronic-voting machine at Simon Sanchez High School in Yigo during the primary election in September. Guam has received more than half of the \$4 million in federal funding to improve elections, and part of the money has been used to shift from paper to electronic voting.

BY THE NUMBERS

Budget for election improvements:
▲ \$1.7 million for computers, touch-screen voting pads, software and other technology needed to improve voting systems;
▲ \$41,000 to implement provisional voting and voting information requirements;

▲ \$590,000 to create a new computerized voter list, accessible to any election official and coordinated with other government databases;
▲ \$450,000 for voter education and to train election officials;
▲ \$10,000 to establish administrative complaint procedures to remedy grievances;
▲ \$68,000 to manage the state plan for election reform;
▲ \$1.2 million to increase accessibility to polling places.

Territory of Guam state plan as required by the Help America Vote Act 2002

AT A GLANCE

Important date
▲ General Election: Nov. 2, 2004
Guam Election Commission
▲ Executive Director: Gerald Taitano
▲ Tel: 477-9791/2/3
▲ Fax: 477-1895
▲ E-mail: gec@ite.net
▲ Location: Suite 200, GCIC Building, GCIC Building, 414 West Soledad Ave., Hagåtña

Updated directly from village mayors' offices, when voters register

Fraud

▲ Report possible election fraud to the U.S. Attorney's Office at 479-4144 or the FBI at 472-7422.

Contact us

The PDN strives to do its best to develop coverage guidelines that treat all candidates fairly and serves our readers' interests. If you would like more information, please feel free to contact:

▲ David Crisostomo, Local News Editor, at 477-9711, ext. 414, or e-mail: dcrisostomo@guampdn.com.
▲ Or Rindraty Celes Limitiaco, Executive Editor, at 477-9711, ext. 400, or e-mail: rlimitiaco@guampdn.com.

▲ Also fax 477-3079 (Attn: Election Page), mail: Pacific Daily News, P.O. DN, Hagåtña, Guam, 96932 or drop off your information to our offices located in the Pacific News Building in Hagåtña, across from the Academy of Our Lady of Guam.

ON THE BALLOT

Ballot placement for Nov. 2 General Election:
Legislature
Democrats:
1. Mark Charfauros
2. Toni Sanford
3. Ted Nelson
4. Rory Respicio

5. Adolpho Palacios
6. Teresita Cruz
7. John Quinata
8. Tina Muña Barnes
9. Judith Won Pat
10. Benjamin Cruz
11. Frank Blas Aguin Jr.
12. Vicente Pangelinan
13. F. Randall Cunliffe
14. Lou Leon Guerrero
15. Judith Guthertz

Republicans:

1. Victor Gasa
2. Vincent Camacho
3. Bertha Duenas
4. Ray Tenorio
5. Antonio Unpingco
6. Joanne Brown
7. Robert Klitzke
8. Jerone Landstrom
9. Jesse Lujan
10. Larry Kasperbauer
11. Mark Forbes
12. Mike Cruz
13. Noel Slian
14. Chris Duenas
15. Edward Calvo

Consolidated Commission on Utilities

1. Tom Ada
2. Eloy Hara
3. Jesus Lizama
4. Gloria Nelson

Guam Election Commission

election commissions develop the capacity to register individuals on election day," Taitano said.

Pacific Daily News

©2004 Guam Publications, Inc.

A Gambet Newspaper

VOL. 35 NO. 268 HAGATNA, GUAM, OCTOBER 26, 2004

HAFA ADAI, IT'S TUESDAY

guampdn.com

75¢ on Guam

Guam PDN.com
Pacific Daily News
GUAM'S COMPLETE SOURCE

Don't forget to vote today!
Pacific Daily News will today's election.

Special Lawmakers on Police Chief
Frank Ishizaki

Results from yesterday's PDN poll are on Page 2.

Senators OK Prop A vote

Copies of initiative to be made available this week

By Steve Limtiaco

Pacific Daily News

slimtiaco@guampdn.com

Next month's vote on a casino gaming proposal should count, even though voters were not mailed a complete copy of the initiative as required by law, senators decided during session last night.

Lawmakers met in session to pass Speaker Ben Pangelinan's Bill 374, which states that copies of the casino initiative will be available in vil-

TO THE POINT
▲ Lawmakers passed a bill last night that states the vote on the casino gaming proposal in the upcoming election should count.

INSIDE
▲ Large mayors' office and public libraries and on the Guam Election Commission's Web site during the next week so voters can read it.

The bill passed by a vote of

14-1, with Sen. Randall Cumliffe voting against it. Cumliffe declined to vote three times, which counts as a "no" vote.

"I don't think it's proper to try to change the rules in the middle of the game," he said.

The bill also repeals a Guam law that prohibits candidates from campaigning and advertising on Election Day, although the Election Commission said it has not enforced

that law in nearly two decades.

If approved, Proposal A would allow legalized casino gambling in as many as 10 large Guam hotels and create a commission to regulate and monitor casinos.

The Election Commission's executive director did not mail the full 80-page text of the proposal to voters earlier this

▲ See Gaming, Page 4

Police officers urge chief's confirmation



P.J. Borja/For Pacific Daily News

Support: More than 70 Guam Police Department officers rallied at the Guam Legislature yesterday, urging lawmakers to confirm acting police Chief Frank Ishizaki. The officers sat with senators and expressed

their concerns about the delay in Ishizaki's confirmation process. Ishizaki has been acting chief of the department since January.

▲ See story, Page 4

Candidates endorsed

The Committee to Get Guam Working, a political action group, yesterday endorsed eight Republican and five Democratic senatorial candidates for the November General Election. The committee has plans to purchase about \$40,000 worth of ads that endorse the 13 candidates. The group also plans to donate up to \$1,000 to each candidate. The 13 candidates, the committee said, reflect the group's desire to support candidates who can work together for the common good of people on Guam.

Election for CCU needed

A special election is needed to fill the Consolidated Commission on Utilities seat vacated in July by Judith Guthertz. During a meeting yesterday, the Guam Election Commission said next month's election is only to fill the seats of two CCU commissioners whose terms are about to expire. A special election can be called only by the governor or lawmakers.

Bug takes off

His 1966 Volkswagen Beetle may not be the best looking thing out there, but when Charles Villagomez takes it to the drags, it doesn't matter because it's all a blur.

▲ See Cruising, Page 22



Inside

▲ Philippine general faces court-martial

Page 12

Man injured at party identified

By Theresa Merto

Pacific Daily News

tmerto@guampdn.com

A fight that turned deadly at a birthday party in Dededo over the weekend began when one man threw beer at another man's face, according to a witness.

Shortly after midnight

Sunday, Guam Police Department officers responded to a fight among party-goers at a home on Chalan Fisino, police have said. During the fight, one man was fatally wounded. Another man was stabbed, but is recovering from his injuries.

Police spokeswoman Sgt. Kim Santos said police are

investigating the incident and have not made any arrests as of yesterday. No new information about the incident was released by police yesterday.

At the crime scene yesterday, beer and soda cans and paper plates were strewn around the front yard where the party and eventual fight took place. A police officer

was assigned to guard the area, but none of the people who live at the residence were there yesterday.

Jerry Salinas, 23, said his cousin was throwing the party for her twin 1-year-old daughters. Salinas, who lives across the street from the

▲ See Brawl, Page 4

1984 20 2004



20TH ANNIVERSARY SALE-A-BRATION

Total Savings of up to \$4,000

SEE PAGE 5



Dozens of GPD officers rally for Ishizaki

By Katie Worth

Pacific Daily News
kworth@guampdn.com

Guam's cops stood opposite their usual side of the protest line yesterday afternoon in an attempt to get their acting police chief confirmed.

More than 75 Guam Police Department officers showed up at the Guam Legislature to ask lawmakers to confirm acting Chief Frank Ishizaki. Some of the officers held signs reading: "Senators, please give us our chief," and "JQ — put public safety before politics."

Ishizaki has been acting chief of the department since January, the latest in a series of different leaders over the last several years. But

though he has been popular within the department, his confirmation has been delayed for several months.

Sen. John Quinata, chair of the department's oversight committee, said the delay has had to do with a polygraph test Ishizaki took as part of his application to be chief. He said though Ishizaki passed the test, the committee was concerned about some of the content of the test. Ishizaki has asserted his right to privacy and has asked the committee to keep the results of the test private, but Quinata, who's running for re-election, said the committee is still weighing whether that is appropriate.

Police officers present said regardless of the test, the point is

that the Legislature needs to make a decision so cops won't be kept in limbo about their leadership yet again.

Those officers present testified to the quality of Ishizaki's leadership skills, many saying he is among the best managers for whom they have worked.

"In the 10 months he's been chief, he's provided excellent leadership. We have a strong sense of our direction, we're moving forward, people are getting promoted, we're seeing some positive changes," said police spokeswoman Sgt. Kim Santos. "The confirmation is long overdue. We need some consistency in the department, and he's a good leader and the troops support him."

After the police officers began protesting, lawmakers had an informal meeting with them in the public hearing room. Acting Deputy Chief of Police Capt. Paul R. Suba read a letter he had written to Quinata, citing the police officers' complaints:

"We have been left without a police chief since the year 2000. Now, despite having identified a qualified and acceptable leader, we continue to see even more unreasonable delays," Suba's letter read.

"Senators, this lack of legislative action has had a tremendous adverse effect on the morale of the police officers and civilian employees," Suba continued.

Suba and others called for law-

makers to address the problem in the special session called yesterday, but Quinata said that wouldn't be possible because there remain concerns that must be addressed in a public hearing. He said that public hearing is tentatively scheduled for a week from Thursday. He promised the police officers that the situation would be resolved by Thanksgiving.

Quinata, D-Talofafo, denied having any political motivation to delay the hearing.

"If we were doing this to grandstand or for political posturing, we would have been out earlier with this, or hitting the media with this. But no, I know the individual is doing a good job," Quinata told officers.

Brawl: Some fighters had machetes, bats

▲ Continued from Page 1

scene of the fight, said the party was ending when a man allegedly threw beer in the face of his friend.

"We told our friend to leave so there won't be any more problems, so my friend left. But then it started again," said Salinas, who had been helping put away music equipment before the fight broke out.

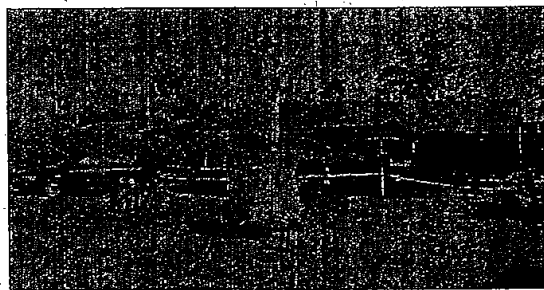
Salinas said one group of men then started throwing rocks and beer toward another group of men.

"It got out of control. Everybody just started fighting," Salinas said, as he recalled the fight. "It was pretty big. It went all around. We were trying to stop some of them, but they kept hitting back."

Salinas said that there were more than a dozen people fighting and that some of the men involved in the fight had weapons, including machetes and bats that they took out of their cars.

"We were telling them to leave and they started taking out their weapons," Salinas said. "So we kept telling one of my cousins to call the cops 'cause it was already getting out of hand and they didn't want to leave."

The fight began at the bar area and then eventually moved onto the dimly lit dirt road in front of the



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Crime scene: Police crime-scene tape and spotlights surround a Dedado residence yesterday. The home was the scene of a brawl-turned-homicide Saturday night.

home where the party took place.

"We couldn't tell who was fighting and all that stuff because there was a lot of them. Some of them were trying to stop it, some people were trying to hold their friends (back)," Salinas said.

He said, because there was only one working streetlight down the road and it was a big fight, they didn't realize two men were injured until people started clearing out.

Salinas said that a man was found stabbed on the dirt road right in front of the party. Salinas did not know

the victim's name.

"We didn't know that he was dead. Two girls found him," Salinas said, pointing out to the dirt road.

Salinas said his cousin, Jermaine Salas, was the second person who was stabbed in the fight. A friend of Salas took him to get help, but as they were driving near Chalan Koda, police officers stopped to help them. A medic then took the man to Guam Memorial Hospital where he was listed in stable condition yesterday, according to hospital nursing supervisor Bill Toves.

Salinas said he did not know who stabbed either man.

The man who was fatally wounded was taken by a friend to get help for his injuries. They went to the Andersen Air Force Base gate and stopped to ask for help, police have said. Andersen officials then called police and an Andersen medic transported the injured man to Naval Hospital where he was pronounced dead, police have said. GPD officials did not immediately know why the man was transported to Naval Hospital.

Ashlee Duncan said she was outside that early morning when she saw a man holding a machete trying to hide in a jungle area right in front of her home.

"We were scared because he had a machete," Duncan said. "The kids were like, 'Oh, my God, there is a guy in the jungle.'"

After a few minutes, he ran out of the jungle area toward a dirt road across from her home. She said although it was dark, they were able to see him because he was wearing a white T-shirt.

Soon after, several vehicles were speeding down the road. Duncan said that just before that, she heard a woman screaming during the fight, "Stop, stop. That's enough."

Gaming: Hearing on lawsuit set

▲ Continued from Page 1

month, saying it was cost-prohibitive, but the commission's failure to follow the law means the casino election results are not enforceable, Attorney General Douglas Moylan has said.

The attorney general's position prompted voter Lou Agon-Schulte to sue the Guam Election Commission and demand that a special election be held for the casino proposal. Agon-Schulte is campaign coordinator for the group that sponsored the casino initiative. A hearing in that case is scheduled for Thursday. The Election Commission board met yesterday evening but decided to discuss the lawsuit during executive session, which is not open to the public.

Issue unresolved

Pangelinan's bill states that, "any defect in the ballot pamphlet shall not cause a delay in the election or be grounds to invalidate the election."

The bill is an imperfect solution, said Jay Merrill, a consultant for Citizens for Economic Diversity, which sponsored the casino proposal.

"It further adds confusion to the process. I appreciate senators trying to do the right thing, but it's a little bit too late," he said. "In the voters' minds it's pretty clear that the whole election has been tainted. Attempting to do this now is kind of like trying to put a band-aid on a real big cut. It just isn't going to be large enough to fix."

Merrill said the appropriate place to resolve the issue is in court.

Attorney Jay Arriola, a spokesman for Communities Opposing Prop A, said lawmakers are attempting to fix problems caused by the Guam Election Commission, which he said failed to follow rules and regulations.

"It's an attempt, at the very least, by the Legislature to address the problem and make sure that the vote goes forward on Nov. 2," Arriola said. "And any effort to make sure that the vote goes forward and is counted is certainly supported."

Agat school tunes in for illustrators' final visit

By Oyaol Ngairirikl

Pacific Daily News
ongairirikl@guampdn.com

It was a musical morning for hundreds of students at southern elementary schools yesterday as illustrators Christopher and Jeanette Canyon made their last school visits on their weeklong trip to Guam.

Students at Marcial Sablan Elementary School listened in awe as the husband-and-wife team presented their books in song.

At Marcial Sablan in Agat, with his guitar slung over his shoulder, Christopher Canyon led dozens of students through the books, grabbing and holding the elementary students' rapt attention.

Christopher Canyon has illustrated a number of books, but his most recent works, including "Sunshine On My Shoulders" and "Ancient Rhymes: A Dolphin's Lullaby," are adaptations of John Denver



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Appearance: Illustrators Jeanette and Christopher Canyon greet students at Marcial Sablan Elementary School in Agat yesterday.

songs.

The whimsical illustrations of "Sunshine on My Shoulders" was

children playing in the sunshine in "Sunshine on My Shoulders" was

the 2004 Gold Award Winner.

International Reading Association President Nel Pendon-Limtiaco, who is an elementary school teacher, said the Canyons' presentations have drawn a lot of response from students and teachers alike.

"The drawings in the books are amazing and absolutely beautiful, so that draws children into the books," Pendon-Limtiaco said. "But music adds another dimension to reading a book that the children sort of gravitate toward."

The IRA Guam Chapter brought the Canyons to Guam to visit schools and meet with students. The illustrators arrived on Oct. 14 and had visited schools through last week. They also made a guest appearance Saturday at the Hagåtña Public Library.

The duo also visited Harry S. Truman and F.Q. Sanchez elementary schools yesterday. They are scheduled to leave Guam today.

Marianas Variety

Vol. 01 No. 18
©2004 Marianas Variety

Tuesday • October 26, 2004

www.mvariety.com
Serving the Marianas for 32 Years

50¢

Business names its candidates

By Gerardo R. Partido
Variety News Staff

GUAM'S business sector has released the names of the senatorial candidates it will support during next week's general election.

The Committee To Get Guam Working, the umbrella group of the five biggest business organizations on island, disclosed yesterday that it will support "a bi-partisan" group of eight Republican and five Democratic candidates.

The Republican candidates are incumbent senators Joanne Brown, Mark Forbes, Larry Kasperbauer, Robert Klitzkie, and Ray Tenorio as well as former Speaker Tony Unpingco, former senator Eddie Baza Calvo, and newcomer Dr. Mike Cruz.

The five Democrats are incumbent senators Frank Aguon, Tina Muna-Barnes, and John Quinata as well as former Supreme Court Justice BJ Cruz and former senator Judi Won Pat.

CGGW chairman Allen Turner announced at yesterday's press conference that the selection of candidates was made by CGGW's newly created political action committee (PAC) which has adopted the theme "Come Together."

"We believe that these candidates represent the goals of the CGGW, which is to promote economic development," Turner said.

He added that the 13 candidates reflect CGGW's desire to support candidates who can work together for the common good.

The business sector has decried the "political partisanship" of the current legislature, saying that the Democratic majority has been blocking legislation initiated by Republican senators and the

Republican Camacho administration.

"We feel very strongly about the working together theme. Our overall objective for the

28th Legislature is to cut away the stalemate and gridlock that was happening so that the community can benefit," former CGGW chairman

Monte Mesa said.

"One thing that can achieve this is to put together a group of people who have been

Continued on page 2



BOOI A friendly ghost balloon that stands in front of the The Dungeon Costume Shop in Barrigada greets motorists and pedestrians along Route 16. Guam residents rush to The Dungeon for their last-minute shopping for Halloween costumes.
Photo by Mar-Vic Cagurangan

Legislature seeks to pave way for Prop A

By Mar-Vic Cagurangan
Variety News Staff

IT is barely a week until the regular election, but the fate of the Casino Gaming Initiative, also known as Proposal A, remains uncertain considering the legal fray that surrounds the vote.

Whether or not Prop A will be on the Nov. 2 ballot rests either on Thursday's Superior Court's decision or the Legislature's last-minute intervention. Either way, time is running out. Any decision must be finalized before Tuesday next week.

Yesterday Speaker Vicente Pangelinan (D-Barrigada) exerted a last-ditch effort to pave the way for the Prop A vote by introducing Bill 374, which seeks to amend the Casino Gaming Initiative Act.

The bill seeks to address the concerns raised by the Citizens for Economic Diversity, whose lawsuit seeking to stop the vote on Prop A will be heard by Superior Court Judge Katherine Maraman at 2 p.m. on Thursday.

In addition to CFED's petition for injunctive relief, the court will also hear a motion to intervene filed yesterday by the anti-casino group Lina La Sin Casino. The anti-casino group's motion opposes CFED's petition.

"All parties will argue their cases at Thursday's hearing. Lina La Sin Casino wants to argue, too. They don't want the

Continued on page 2

Recall petition against Moylan may not be on Nov. 2 poll

By Mar-Vic Cagurangan
Variety News Staff

ANDREW Zawalinski's recall petition against Attorney General Douglas Moylan may not find itself on the Nov. 2 ballot after all.

Gerald Taitano, executive director of the Guam Elections Commission, said that as of last count on Aug. 26, the commission has validated only 227 of the 260 signatures that Zawalinski turned in.

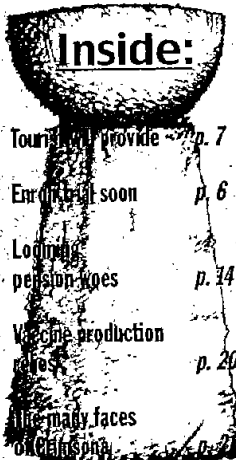
The petition must get at least 22,513 signatures, which account for 50 percent of the total number of voters in the last general elections. Taitano said Zawalinski has not submitted new copies of the signed petition since August.

Asked if Zawalinski's petition had a chance to make it to the ballot, Taitano replied, "I don't know; it depends. I cannot guess. He's had 120 days since we approved his petition."

Zawalinski's recall petition was approved by GEC on July 5, which means that he missed the first week of October deadline.

Zawalinski could not be reached for comment. In an interview last month, he admitted that he failed to get enough signatures for the recall initiative, alleging that many voters were intimidated by Moylan's plan to publish in the newspaper the names of those who signed.

Zawalinski's petition cited at least eight reasons as the supposed basis for recalling Moylan. These include his domestic violence case at the Superior Court, his hiring of a local attorney who got paid \$5,000 a month and his alleged practice of using the grand jury as an investigative arm of the Attorney General's Office. Moylan abides by the policy "indict now, investigate later," the petition stated.



Lawmakers hint at abuse in Health Facility

By Ulysses Torres Sabuco
Variety News Staff

SAIPAN — Lawmakers took turns yesterday questioning the administration, public health and public works officials over funding use, and possibly abuse, in connection with the Commonwealth Public Health Facility project.

The House of Representatives wants a thorough accounting of the \$11.8 million funds that was earmarked through the enactment of Public Laws 11-119 and P.L. 12-64.

Particularly, lawmakers want to know the fund status of the hemodialysis expansion project — and are concerned that the absence of good accounting of expenditures threatens the completion of said government project.

Health Secretary James U. Hofschneider, Public Works Secretary Juan S. Reyes, and Robert Schwaibach, the Governor's senior policy advisor admitted yesterday that the Public Health Facility project is "now in crisis" due to the lack of funds.

The administration wants an additional \$5.8 million in funding to complete the project which is designed primarily to provide an expanded capacity for hemodialysis treatment.

House Bill 14-258 was introduced yesterday to authorize the new appropriation.

Rep. Arnold Palacios (R-Saipan) said yesterday it was unlikely the measure would be passed. As of press time, lawmakers were still debating the measure.

Yesterday morning, lawmakers hinted at a possible abuse of authority.

"Why do we have a crisis now when the original contract amount (for the hemodialysis) was doubled? Someone decided on these changes in the contract and used the surplus funds. So we have this situation now," Rep. Joseph P. DeLeon Guerrero said yesterday.

Of the \$11.8 million, a total of \$8.2 million was earmarked for the hemodialysis facility expansion, health officials said.

Still, the lawmakers are surprised that the administration needs an

additional \$5.8 million when the project was completely funded by Legislature.

"I am wondering if this was properly done," Palacios separately said.

The additional \$5.8 million funding will tap into the unused \$9.1 Kagman Wastewater System project, proposed in H.B. 14-258.

But Rep. David M. Apatang (Ind-Saipan) said the promise of the administration to "return" the funding appropriation for the Kagman project remains a "promise."

"I doubt that very much. I pray that the money will be restored to the Kagman project," Apatang said yesterday. "These are false promises... Do not make a commitment if you cannot (fulfill) it."

Public Works Secretary Reyes clarified that the additional \$5.8 million in funding is needed because DPW has to redo the defective design plan for the Public Health Facility project.

He added there were also change orders that caused the budget shortfall.

"There were a lot of discrepancies in the design. We had to re-design it," Reyes testified yesterday.

Health Secretary Hofschneider said he only "inherited" the project, originally planned during the incumbency of then Gov. Froilan C. Tenorio.

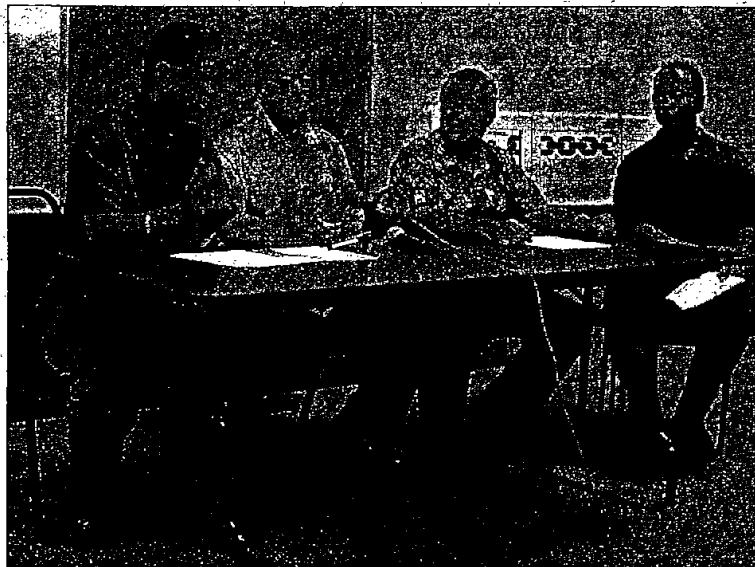
"When I assumed office (in 2002), I inherited this project. I recognized the problem back in 2002... and we (decided) to start this project," Hofschneider said.

He added that there has been a "misconception" about the project, saying it is not only the expansion of the dialysis facility but the construction of other facilities, including new clinics.

Richard Cody, also of Public Works said the previously approved design for the project had to be "redesigned" because it was faulty.

House Minority Leader Heinz S. Hofschneider (R-Saipan) questioned the DPW's decision to bid the project even though there was a "defective plan."

"We did not know that until we started the project construction," Cody replied.



CCGW officials announce the names of candidates the group will support in the general election.

Photo by Gerardo R. Partido

Business...

Continued from page 1.

known to work together and who have shown in the past that they are willing to put away partisan politics to work for the common good on education, health, public safety, and the island's economic viability. There are already signs that our economy is picking up. We are cautiously optimistic but we must follow through so that we won't lose momentum," Mesa added.

The candidates were chosen after a review of their past public record and their proposed solutions for continuing problems, as well as consulting with the five CCGW "parent boards" of the CCGW.

The five organizations that comprise CCGW are: Guam Chamber of Commerce, Guam Hotel and Restaurant Association, Guam Contractors Association, Guam Employers Council and the Japan-Guam Travel Association. These organizations created CCGW three years ago to help promote public policies that foster economic growth and improve government services.

During the last election,

CCGW endorsed 12 senatorial candidates, 9 of whom were elected. CCGW also endorsed the election of Congresswoman Madeleine Z. Bordallo and the Camacho/Moylan administration.

"Unfortunately, there are more good candidates than can be elected but these 13 candidates give the next legislature great potential for success. These candidates reflect a strong cross-section of candidates from both parties. They have extensive backgrounds that collectively can move Guam forward. While there are differences of opinion, the most important goal is to elect a legislature that will put aside their differences and work better with the entire community," Mesa said.

As part of CCGW's evaluation process, all 30 legislative candidates were asked to respond to a questionnaire on their positions on various issues. However, only 12 candidates participated and only one of them is a Democrat — former senator Ted Nelson.

According to CCGW executive director Simon Sanchez,

the group doesn't necessarily agree with all the positions of the candidates it is supporting.

"But we looked for a cohesive group that will work together and will be willing to listen to other points of view," Sanchez said.

He added that CCGW's political action committee will help its chosen candidates by running ads in support of their candidacies and through direct donations.

The PAC will also distribute its recommendations to the 800 member businesses of the five CCGW parent organizations and who collectively employ over 35,000 people.

"We urge people to become informed and vote on Nov. 2. The election will be hotly contested and every single vote will make a difference. Celebrate our hard-earned freedom and participate in our democracy by voting," Turner said.

"Whether you agree with us or not, go out and exercise your right to vote. This election is going to be close. The battle for the majority will be very close. So every vote will count," Sanchez added.

Legislature...

Continued from page 1.

court to make a declaration on whether the Prop A election is valid or invalid," said attorney Tim Roberts, who represents CFED.

"The court will have to decide before Tuesday. We're expecting a decision to be made on Thursday," Robert said.

Gerald Taitano, executive director of the Guam Elections Commission, said preparations for the general elections include the Prop A plebiscite.

"Prop A will be on the ballot unless the court says otherwise. If we have to make some changes in the ballot or the pamphlet then we would

do so. If the court says we should stop the Prop A vote, then I have no other choice but to remove it from the ballot," Taitano said.

Taitano said he could not predict how the Legislature's intervention could affect the election process. "I'm not sure what the Legislature will do; it's up to the court or the Legislature," Taitano said.

As of press time yesterday, senators were discussing Bill 374, which states that "any defect in the ballot pamphlet shall not cause a delay in the election or be grounds to invalidate the election."

"Our intention is to uphold the validity of Prop A so the vote can push through. The gov-

ernment has already spent money on this initiative and people have been talking about it for months," said Vice Speaker Frank Aguon. "The bill is supported by the majority senators."

He said he expected the Legislature to pass the bill yesterday and transmit it to the governor's office for approval before Tuesday.

The Legislature stepped into the casino vote issue after CFED filed a petition for injunctive relief to stop the Prop A vote.

CFED's lawsuit stems from the Attorney General's recent announcement that the Prop A informational pamphlets that were mailed to the voters are "legally flawed" and that the

election results will not be enforceable.

"We agree with the AG's office that this election for Prop A is now tainted, flawed, illegal, and the results won't be valid because of the Guam Election Commission's failure to properly inform the public about the proposal. Now people don't know if their vote on Prop A counts for anything on Nov. 2," Roberts said in a press conference last week.

"If our votes are not valid, there's no point in having an election on Nov. 2 because this would be a waste of taxpayer money and voters' time," he added.

Bill 374 removes certain requirements for voters' informa-

tion pamphlets, which Attorney General Douglas Moylan earlier said the GEC failed to comply with.

The bill, for example, removes the requirement for a complete copy of the initiative measure to be submitted to voters. What it requires instead is the posting of initiative measure at all village mayors offices and the GEC website.

The bill states it was necessary for the Legislature to intervene in order to prevent the need to hold a special election, which it added "would be too costly for the government of Guam" and "a waste of unnecessary expense and duplication of efforts."



Arriola, AG Moylan differ in support of Prop "A" staying on General Election ballot

by **Ken Wetmore**, KUAM News
Tuesday, October 26, 2004

You may be wondering if the legal challenge to holding the election on Proposal "A" is a moot point now that the Legislature has passed Bill 374, which included language designed to resolve the legal problems with holding the Decision 2004 General Election next Tuesday. Well, Governor Felix Camacho still has to sign the measure into law and opponents and proponents of Proposal "A" are weighing in on what the Governor's decision should be, as is the Guam Attorney General.

"While we appreciate that Legislature is trying to make the situation better, I think in reality all its done is further confuse the electorate. It doesn't really change the basic situation and the court is still in the position where it is probably best to decide whether or the election should go forward or not," said Jay Merrill, spokesperson for the Citizens for Economic Diversity.

Merrill feels the legislation does nothing to change the fact that he believes voters are confused and the election is tainted. Communities Opposing Prop "A" legal counsel Attorney Jay Arriola says his organization is pleased with the measure, and hopes the Governor signs it into law. "COPA sees this as an effort to make sure that the vote goes forward on Tuesday and our position is and has been that no matter what, we've already expended a lot of time and resources and that the people's vote should be heard; because as a matter of fact, voting is ongoing.

"More than 1,300 people have already voted and cast their ballot on this issue and it's very important that those ballots get counted and the people have a say," Arriola stated.

The argument that many off-island and absentee ballots have already been cast is the exact reason Guam Attorney General Douglas Moylan wrote a letter to Governor Camacho today, urging he veto Bill 374. Wrote Moylan, the island's first elected AG, "Although they haven't tallied the votes there are absentee ballots that have been received and off-island voters that have submitted their ballots, and Proposal 'A' has already started to be voted upon, and what the Legislature did (possibly not admirably) is to change the rules of the game right in the midst of the vote count."

The Attorney General says such a change infringes on voters Constitutional due process rights. Moylan says the Speaker of the Legislature Ben Pangelinan also violated Guam law by waiving the public hearing for Bill 374. "The law is structured so you can only waive the public hearing when there is a danger to the public safety or the public health, and again I focus upon the way the law is structured," said AG Moylan. "And in those cases the Legislature was under a legal obligation to do a hearing on Bill 374."

While COPA, CFED and the Guam Attorney General all have opinions on what Governor Camacho should do, Governor's spokesperson Erica Perez told KUAM News today that the measure is being reviewed by the Governor's legal counsel, and that the Governor will take action on the bill in a timely manner. Even though the Governor has ten days to review bills, Perez said Camacho would take action on the bill before next week's General Election.

Copyright © 2000-2004 by Pacific Telestations, Inc.

[Print this story](#)

Print this story

AG Moylan files suit to move Prop "A" to special election ballot

by Ken Wetmore, KUAM News
Tuesday, October 26, 2004

The Guam Attorney General filed a notice of removal in Superior and District courts to move a lawsuit trying to pull the controversial Proposal "A" off the Decision 2004 General Election ballot and move it to a special election ballot sometime in the future. In a phone interview late this afternoon, AG Douglas Moylan said his office filed the notice because the plaintiffs, Lou Aguon-Schulte and Jay Merrill in a class action suit, have raised issues based in federal law.

Moylan says the lawsuit deals with federal civil rights statutes and the federal District Court is best suited to hear such questions. The Attorney General's move means Guam's federal District Court will now be hearing the case unless the plaintiffs can make a successful argument to the District Court that it is not the right venue for the case. When asked if the move will allow enough time for the case to heard before the General Election AG Moylan said he is representing the Government of Guam, which is the defendant in this case and it is the plaintiffs' burden to seek emergency relief in the form of a speedy hearing from the District Court.

Late this afternoon, one of the plaintiffs in the lawsuit seeking stop the vote on Prop "A" said the AG's actions further confirms the confusion surrounding the election and why there needs to be a special election. Jay Merrill says he and the other plaintiffs don't understand all of the implications or effects of the AG's move, but they are studying it and as they become clearer they will clarify their position.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Print this story

Pacific Daily News

©2004 Guam Publications, Inc.

A Gannett Newspaper

VOL. 35 NO. 270 HAGATNA, GUAM, OCTOBER 27, 2004

HAGA ADAI, IT'S WEDNESDAY

guampdn.com

75¢ on Guam

Guam PDN
Pacific Daily News
GUAM'S COMPLETE SOURCE

Don't forget to vote in today's Pacific Daily News poll: Today's question: Do you think Guam agencies can afford to pay out raises?

Results from yesterday's PDN poll on Page 16

Pacific Daily News
ON THE AIR

Get the latest news brought to you by the Pacific Daily News on **KSTereO FM 95.5**

Listen to live news Monday through Friday at:
▲ 7:30, 8:30 and 9:30 a.m.
▲ 11:30 a.m. and 12:30 p.m.
▲ 4:30 and 5:30 p.m.

on **Joy 92, 91.9 FM**

Listen to live news Monday through Friday at:
▲ 6:30, 7:30 and 8:30 a.m.
▲ 4:30 and 5:30 p.m.

Google Desktop BETA

Power search

Search giant Google recently unveiled a free program that allows you to search Web pages, e-mail, and other documents stored on your hard drive.
▲ See story, Page 26

Inside

▲ RP villagers get \$1M reward for terror tip

Page 16

AG: Veto Prop A bill

Moylan says Bill 374 violates voters' rights

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

It is wrong for lawmakers to try to change the island's election rules a week before the election, Attorney General Douglas Moylan said in a letter yesterday to Gov. Felix Camacho. Moylan has recommended

TO THE POINT

▲ The attorney general said the governor should veto Bill 374, which, if passed into law, would make the Proposal A vote in the General Election valid, even if the casino ballot pamphlet is defective.

that Camacho veto Bill 374, which was passed by law-

INSIDE

▲ No stamps remain on the ballot. The ballot is now invalid. The ballot is now invalid. The ballot is now invalid.

makers 14-1 during session Monday evening.

The bill was introduced and passed after the Guam Election Commission failed to mail the full 80-page text of the casino gaming initiative to voters, as required by Guam law. The commission's executive director decided to mail a single-page pamphlet to voters instead, saying it would be too expensive to print and mail the entire text

▲ See Bill, Page 4

Gasoline price goes over \$2.50

By Gene Park

Pacific Daily News
epark@guampdn.com

Local gasoline prices passed the dreaded price of \$2.50 per gallon yesterday, which may cause residents to tighten their budget further.

Mobil Oil Guam raised its price per gallon for regular gasoline by 5 cents to \$2.51 yesterday. Following Mobil's price hike, Shell Guam Inc. announced yesterday that it would be raising its prices at the pump by 7 cents for regular and premium gasoline as well as diesel.

Shell stations open today with a new price of \$2.53 a gallon for regular gasoline. South Pacific Petroleum Corp., which runs the 76 stations, could not be reached for comment as of press time yesterday.

Officials from Mobil and Shell attributed the climbing costs of gasoline on Guam to the climbing costs of crude oil.

"Since our last announcement, the price of crude oil has continued to rise through \$55 per barrel which, combined with unabated regional demand to substantially increase our cost of refined

▲ See Fuel, Page 4

TO THE POINT

▲ Two gasoline companies raised their gasoline prices past \$2.50, attributing the rising cost of crude oil.

GFT picks candidates

The Guam Federation of Teachers has released a list of 13 candidates it will endorse for this year's General Election. The list comprises eight incumbent Democrats, four new Democrats, and one Republican candidate.

According to the teachers' union, the 13 candidates will improve the quality of life for union members and their families.

Family says goodbye to Ibabao

By Oyaol Ngirairikl

Pacific Daily News
ongirairikl@guampdn.com

The sun shined brightly yesterday on a woman holding on to her son's casket, not ready to let him go.

"I love you. I love you very much," Ofelia Ibabao sobbed as she embraced the coffin holding her only son Ferdinand Ibabao. Ibabao, a former Guam police officer and Army National



Ibabao

▲ See Service, Page 4

INSIDE

Masako Watanabe/Pacific Daily News/
mwatanabe@guampdn.com

Son: Alex Ibabao accepts the American flag that was draped over the casket of his father Ferdinand Ibabao during a burial ceremony. Ferdinand Ibabao, who was killed in an explosion in Iraq, was laid to rest at the Guam Veterans Cemetery yesterday.



FREE Child Seat Inspections at AKI

See page 8 for details.

90
Years
of
Service

Bill: Camacho to take action before election

▲ Continued from Page 1

of the proposal. Moylan has said the commission's failure to follow the law and mail the entire text means the results of the casino vote will not be enforceable.

Supporters of the casino initiative have sued the Election Commission and have asked the Superior Court of Guam to force a special election for the casino proposal.

Bill 374, which lawmakers sent to the governor Monday evening, states that the results of the election will be valid, even if the casino ballot pamphlet is defective. It also states that the casino vote cannot be delayed because of a defective pamphlet.

But voters had a right to receive and review the entire casino proposal 30 days before the election, Moylan stated in his letter to Camacho.

"We believe that this bill, if passed, would violate the voters' due process right to timely receive information about the initiative and to consider it," Moylan wrote. "The legislation appears to improperly change the 'rules of the game' right before the event, to the detriment of the voter."

Bill 374 also should have had a

TO LEARN MORE

PROPOSAL A

▲ To learn more about Proposal A, call Citizens for Economic Diversity at 647-CFED (2333) or visit its Web site, www.guamgaming.com.

OPPOSITION

▲ To learn more about Communities Opposing Prop A, call 472-COPA (2672) or visit its Web site at www.copaguam.com.

public hearing, Moylan wrote, unless it involved "danger to the public health or safety."

Legislative Speaker Ben Pangelinan yesterday said he disagrees with Moylan's objections and said the casino election was "tainted" after the attorney general's office issued its opinion earlier this month.

"It just placed a cloud over the election that I felt we needed to clarify," Pangelinan said.

He said he reproduced and sent 100 copies of Prop A to the Guam Election Commission, which has distributed them to village mayors' offices, libraries, and the University of Guam. It also has been posted

on the Election Commission's Web site, Pangelinan.said.

The bill appears to have enough support in the Legislature to make it veto-proof, since only 10 votes are required to override a veto.

Pangelinan said lawmakers contacted the governor's office before passing the bill and were assured by the administration that the governor would act quickly on the measure.

"He (the governor) assured me that if the Legislature was to pass a remedy in the manner that we did, that he would act in all due diligence and not wait until after the election and would not wait three or four days," Pangelinan said.

Governor's spokeswoman Erica Perez said Camacho still is considering the bill, but plans to act on it before Election Day.

When asked about the attorney general's statement that the bill should have had a public hearing, Pangelinan said it was passed in the public interest.

"There is a general desire in the community to make sure the election proceeds on Nov. 2 and that votes they cast are valid," Pangelinan said.

AG moves cases on casino initiatives to federal court

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

The attorney general's office has moved the two civil cases related to the casino gaming initiative from the local court to the island's federal court.

The cases involve federal laws, the attorney general said.

"This is a federal question. Any defendant has a right to remove a case that's filed in local court that otherwise could have been filed in federal court," said Attorney General Douglas Moylan. "That is the federal government's way of protecting the interpretation of (federal laws)."

Moylan said he expects notices to be issued by the federal court during the next couple of days, which will determine what happens next.

Voter Lou Agnon-Schulte sued the Guam Election Commission on Oct. 21 in the Superior Court of

Guam after the commission failed to mail the full text of the 80-page casino initiative to voters, as required by Guam law, and after the attorney general issued an opinion that the results of the casino election therefore cannot be enforced.

Agnon-Schulte, who is the campaign coordinator for casino proponent group Citizens for Economic Diversity, has asked the court to stop the Nov. 2 vote on the casino initiative and to force the government to call a special election instead.

Jay Merrill, a consultant for Citizens for Economic Diversity, filed a similar lawsuit in Superior Court on Oct. 25, but as a class-action suit that will include any other affected voters on Guam.

According to court documents filed by the attorney general's office yesterday, the case belongs in federal court because it involves the First and Fourteenth Amendments, as well as the Organic Act of Guam.

Service: 'He was a good guy'

▲ Continued from Page 1

Guard member, died Oct. 14, in what officials have called a suicide bombing in a café in the Green Zone, a heavily fortified area in Baghdad, Iraq.

At the Guam Veterans Cemetery where Ibbao was buried yesterday, Ofelia Ibbao's daughters had to pull their mother away from the casket to allow the ceremony to continue.

Ibbao was a security specialist with DynCorp, a private security company that assisted U.S. troops in peace-keeping missions in various hot spots around the world. Three other DynCorp employees died with Ibbao in the explosion.

Ibbao is the sixth son of the Micronesia region to die in Iraq.

Yesterday, more than 100 family members and friends gathered at the church and then the cemetery to say goodbye to Ibbao, a well-known and well-respected member of the community.

Funeral services had started at St. Andrew's of the Philippine Sea Episcopal Church in Agat yesterday morning.

In a small entrance area of the church were photos of Ibbao as a baby, as a little boy, as a military serviceman and then finally, as a man with a wife and little boy of his own.

Sgt. 1st Class Ken Taguacta of the Army National Guard 731st MP Company stood by the photos with fellow guardsmen.

"I met him in the National Guard's MP Company. We went to MP school together and as soon as we came back from school we were activated to go to Desert Shield," Taguacta said.

Taguacta said after the two came back, they served in the Guam Police Department for nearly 10 years.

"Those were good days, I tell you. Then things with the economy



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Burial: Ofelia Ibbao, second from right, grieves for her son Ferdinand Ibbao as she and her daughters Leah Duenas, right, and Olga Velez-Rivera, lay roses on the casket during a burial ceremony yesterday.

went really bad and a bunch of us left the force. I went full time in the National Guard and Ferd went to the states. ... We kept saying we'd meet up, but we were never on island at the same time."

Excusing himself from the interview, Taguacta got into formation with seven fellow soldiers and together they marched into the church and covered Ibbao's coffin with the American flag.

Another group of soldiers later took the flag off the coffin, folded it and presented it to Ibbao's 8-year-old son Alexander.

"Son, this flag is a token ..." rang out the words of the soldier over the sloping green of the Veteran's cemetery, where hundreds of other war veterans and heroes lay.

Two former Guam police officers, now with the State of Hawaii Public Safety, had flown to Guam for the funeral services.

"I trained with Ferd in the police department," said Jimmy Nakamura, who had been with the Guam police. "He was my supervisor at one time ... he was a really good guy."

Guam police officer Tom Alger, who served with Ibbao at the Agat precinct, said Ibbao was always the center of fun and a good time.

"He always had a smile on his face and was making jokes and being funny," Alger said. "People just gravitated to him."

Taguacta said Ibbao had a way with people, diffusing tense situations, and making everyone laugh even in the most difficult of situations.

"At the precinct, if people argued he would step in and say something crazy to get everyone to laugh ... then he'd say: 'OK, let's get this job done together,'" Taguacta said, looking at Ibbao's resting place in the ground. "He was a good guy. A great guy."

Fuel: Crude oil prices boost cost of gasoline

▲ Continued from Page 1

products in Singapore," said Shell President Phil Stalker.

All three gasoline companies on Guam receive their fuel from a Singapore refinery. Singapore also experiences great demand from China and other Asian countries.

"The cost of refined product continues to rise, primarily as a result of crude oil price increases," said Mobil President Jeff Borja. "When assessing price increases, we consider incremental changes, recognizing that our customers need time to adjust spending patterns to address the surge in prices brought on by world events."

Stalker and South Pacific's Brian Suhr have said sales indicated people have become more conservative spenders and drivers, which affects their companies' bottom line.

Jose Mantanona of Malojloj used to spend about \$20 a week for gasoline. Now, with gasoline prices float-

ing around \$2.50 a gallon, Mantanona doesn't even keep track of his costs. "I just gave up, I just put in the gas," Mantanona said. "Myself right now, I need to go every other day to the doctor, who's in Tamuning, for my medication. So in a way, I can't stop it. I have to drive one way or another."

Mantanona also said he believes trying to find funding for an investigation into the gasoline price movements is a waste of money.

Vice Speaker Frank Agnon Jr. and Attorney General Douglas Moylan are working together to find funding to hire an antitrust attorney to investigate how gasoline prices move on Guam, since they historically have moved nearly in sync with each other.

But gasoline company officials have said price movements are decisions made independently within their respective companies.

"It's wasting money," Mantanona said.

THE COST OF GUAM'S GASOLINE

Fuel brands as of yesterday:

REGULAR PREMIUM DIESEL

\$2.46 \$2.46 \$2.51

\$2.56 \$2.56 \$2.62

\$2.54 \$2.54 \$2.61

National prices as of yesterday:

NATIONAL AVERAGE HIGHEST California LOWEST Oklahoma

Regular: \$2.01 Regular: \$2.43 Regular: \$1.87

Premium: \$2.22 Premium: \$2.63 Premium: \$2.05

Diesel: \$2.23 Diesel: \$2.52 Diesel: \$2.07

Source: AAA Web site, www.aaa.com

Marianas Variety

Vol. 01 No. 19
©2004 Marianas Variety

Wednesday • October 27, 2004

www.mvariety.com
Serving the Marianas for 32 Years

50¢

Prop A bill faces legal question

By Mar-Vic Cagurangan
Variety News Staff

THE legislation that amends the Casino Gaming Initiative Act to waive the mailing requirements for the voters information pam-

phlet is likely to face a legal challenge if enacted into law. Attorney General Douglas Moylan and Sen. Randy Cunliffe warned yesterday.

Moylan and Cunliffe were

referring to Bill 374, which the Legislature hastily passed on Monday and transmitted to Gov. Felix P. Camacho for signature yesterday.

Bill 374, which was passed by the Legislature on a 14-1 vote, attempts to preempt the Superior Court's decision on the Citizens for Economic Diversity's lawsuit seeking to stop the remove

the plebiscite on the Casino Gaming Initiative, also known as Prop A, from the Nov. 2 ballot.

The bill seeks to pave the way for the Proposition A vote by removing distribution requirements for voters' information pamphlets, which Moylan earlier said the Guam Elections Commission failed to comply

with.

Cunliffe, the only senator who voted against Bill 374, said the measure which "attempted to fix a problem will cause even more problems."

"I passed on voting three times, which was considered a 'no' vote," Cunliffe told Variety. "I didn't support the bill

Continued on page 2

Teachers Federation endorses 12 Democrats, 1 Republican

By Mar-Vic Cagurangan
Variety News Staff

DEMOCRATS may have received thumbs down from the business sector, but they got passing grades from teachers.

The Guam Federation of Teachers is endorsing 12 Democratic candidates—eight of them are incumbents—and one Republican, for the 28th Legislature. These candidates, according to GFT are "on our side."

The list of candidates whom the teacher union is supporting came out in the October issue of its newsletter GFT News, which got off the press yesterday.

The list includes the incumbent Democrats Speaker Vicente Pangelinan, Vice Speaker Frank Aguon Jr., Sens. Lou Leon Guerrero, Rory Respicio, Tina Muna Barnes, Randy Cunliffe, John Quinata and Toni Sanford; former Superior Court Judge B.J. Cruz, and former senators Judy Won Pat, Mark Charfauros and Ted Nelson.

Former Speaker Tony Unpingco is the only Republican on GFT's list.

Sen. Carmen Fernandez, chair

of the legislative committee on education and who is considered by GFT as its No. 1 ally in the Legislature, is the only Democratic member of the Legislature who is not seeking reelection.

GFT, which has 2,000 members, unveiled its candidates following the business sector's release of the names of candidates it is supporting on Nov. 2.

The Committee to Get Guam Working, an umbrella group of five business organizations, revealed on Monday that it is supporting eight Republicans, including five incumbents, and five Democrats. Only three incumbent Democrats are being supported by CCGW.

GFT president Matt Rector said the GFT list was approved by the union's core committee on political affairs.

He said the union's endorsements were based on the candidates' responses to the questionnaire sent to them by GFT.

"We simply asked them to list five things that they would do as senators to improve the

Continued on page 2



More than a thousand applicants attended the GHRA job fair.

Photo by Gerardo R. Partido

Congressional leader visits Guam

REP. Dan Burton (R-Idaho) stopped over on Guam yesterday on his way to Taiwan for other meetings in line with his continuing focus on Asia-Pacific issues.

Rep. Madeleine Z. Bordallo joined Gov. Felix Camacho and Lt. Gov. Kaleo Moylan in welcoming Burton, who is the chairman of the House committee on government reform's subcommittee on wellness and human rights.

Burton has taken an interest in the issue of health care disparities among U.S. territories after his visits to Guam and the

Northern Mariana Islands last December.

He met yesterday with Bordallo, Camacho, and Moylan to discuss what progress has been made in Congress to address health care disparities on Guam and what legislative strategies might be available through the 109th Congress to address these important concerns.

According to Bordallo, Burton's arrival in Guam comes after several legislative efforts in the waning days of the 108th Congress to tackle the issue of health care disparities in Guam.

"I thank Chairman Burton for

his personal interest and passion towards addressing health care disparities on Guam. After seeing first hand the health care disparities that exist here, he has provided important support to address these disparities. This second visit to Guam demonstrates his continued interest and I look forward to working with him more in the 109th Congress to tackle these pressing problems," Bordallo said in a statement.

For his part, the governor said the health care disparities that exist on Guam and other U.S.

Continued on page 2



Dan Burton

Inside:

- GM orders start p. 9
- World to eye Nov. most p. 13
- Stocks flat p. 15
- Japan Quake p. 16

FREE + **Share unlimited** + **cellular** + **walkie talkie** + **minutes** + **talkie**

CONNECT
IMITATED...NEVER EQUALED

Camacho asked to head Nat'l Guard Task Force

By Ferdie de la Torre
Variety News Staff

SAIPAN — Former Public Safety Commissioner Edward C. Camacho was tapped to serve as coordinator for the administration's National Guard Task Force.

Camacho disclosed that Gov. Juan N. Babauta offered him the new position, but he has not accepted it.

"It's very new. It's like a special assistant for National Guard Affairs," Camacho told Variety after he delivered his farewell speech at DPS Monday afternoon.

The former DPS chief has expressed interest in the offer.

"The Governor has asked me to help him with a couple of things, but mostly with the National Guard development in the Commonwealth. And I look forward to that. It's a whole new challenge," he said.

Gov. Babauta and Guam Gov. Felix P. Camacho had entered an initial agreement that, among others, proposed that NMI's National Guard unit be under Guam's unit.

The Babauta administration had created the task force, currently headed by former judge Edward Manibusan, to specifi-

cally oversee the implementation of the agreement.

Guam is reportedly authorized to have 800 guardsmen. Currently it has only 600. Under the proposal to be presented in the U.S. Congress this year, the remaining slots will be filled by the CNMI.

He also clarified that it was his decision to leave the DPS, and was not asked to resign by the U.S. Army.

"I really love the military, but at the same time I really enjoy what I am doing here in the department (DPS). I really love it. It's almost (being) torn between two lovers," Camacho said.

"I need to handle the military side of the house. Obviously there are a lot of things going on and on a daily basis I do have a hard time juggling my military tasks and my DPS tasks. But at the same time, I know where to draw the line so there won't be any conflict. But it's just difficult for me to have all of those going on at the same time," he said.

With the U.S. war against terrorism, Camacho said his duties as an operation officer with the 9th U.S. Army Regional Readiness Command needs his full attention.

Larva of adult moth released to combat invasive weeds

By Agnes M. Abrau
For Variety

KOROR (Palau Horizon) — About 5,021 larva of adult moth was released this month in Airai to combat the spread of the invasive weed, chromolaena odorata, locally known as ngesengesil.

The Bureau of Agriculture Plant Protection Office has released the larva in five occasions in a private land in Ordomei, Airai.

The purpose of its release is to kill chromolaena, one of the top ten invasive weeds in Palau. Chromolaena eats and destroys tapioca and vegetable farms.

Hilda Etpison, quarantine officer 1. of the bureau's Plant Protection and Quarantine Service, has kept in the bureau's laboratory larva of adult moth. From larva, they developed into pupae and would propagate as adult moth. Adult moths eat chromolaena plants, Etpison said.

Etpison has just completed a training in Pohnpei on bio-control against chromolaena.

"We released the larvae in Airai because of its proximity and lots of chromolaena sightings there," Etpison said.

Chromolaena is a fast growing invasive weed that take up so much space and rapidly outgrow any other plants or vegetable farms.

"We have just started to releases the larva in Ordomei. From there, we'll move on to another site," Etpison said.

Congressional...

Continued from page 1

territories is an important issue that should be addressed by Congress.

"I thank Chairman Burton for his willingness to come to Guam and see these problems for himself first hand," the governor said.

The lieutenant governor, who had the opportunity to meet with Burton both in Guam and in

Washington D.C., commended the congressman's interest in addressing health care disparities in Guam.

"While many of these longstanding issues are difficult ones to address, the bi-partisan efforts of Congresswoman Bordallo and Chairman Burton are a step in the right direction," Moylan said.

Burton co-sponsored a recent



Jackie Marati, chairwoman of "Communities Opposing Prop A," reads the GMS statement opposing casinos.
Photo by Gerardo R. Partido

Prop A...

Continued from page 1

because it is a very bad bill. In my opinion, it is a bill that is intended only to attract voters."

Cunliffe and Moylan, who are otherwise often at odds with each other on many issues, agreed this time that Bill 374 cannot be applied retroactively.

"The legislation appears to improperly change the rule of the game right before the event," said Moylan, who blew the whistle on the pamphlet flaws.

Cunliffe, for his part, said the Legislature cannot legally change the law and apply it to an initiative that was submitted two years ago.

"You don't change the rules in the middle of the game. That's what they are trying to do," Cunliffe said, referring to his colleagues in the Legislature.

The re-electionist senators said that amendatory Bill 374 puts ambiguities in the Casino Gaming Initiative Act.

"The law says that there's a bunch of things that you have to

send out to voters such as the information from the pros, the cons and the neutrals. And then it has these new provisions that say if you don't comply it doesn't matter," said Cunliffe, who is a practicing lawyer and chairman of the legislative committee on judiciary.

Bill 374 removes the requirement for a complete copy of the initiative measure that is supposed to be mailed to voters. What it requires instead is the posting of initiative measure at all village mayors offices and the GEC website.

Bill 374 also states that "any defect in the ballot pamphlet shall not cause a delay in the election or be grounds to invalidate the election."

"The whole purpose of the requirements of the law is to inform the public; now it's like saying that we don't have to inform the public," Cunliffe said.

The senators said Bill 374, even if signed into law by the governor, would not dictate the court's

decision on CFED's lawsuit.

"The judge will ignore it. The Legislature cannot legislate the court's position. If the court says the Prop A vote should stop, then it should stop," Cunliffe said.

In a letter to the governor, meanwhile, Moylan, Bill 374 was not properly passed since it was not publicly heard as required by law.

He dismissed Speaker Vincente Pangelinan's justification for waiving the public hearing requirement.

Moylan said the law allows a bill to be passed only if "emergency conditions exist involving danger to the public health and safety."

"The standard is 'danger to the public health or safety. This bill seems to satisfy neither standard in its most liberal reading,'" Moylan wrote.

He also said that the bill deprives the voters of the right to get a timely access to the about 80-page initiative.

Teacher...

Continued from page 1

quality of life for our members and their families," GFT stated in its newsletter.

In addition to the satisfactory responses to the GFT questionnaire, Rector said the union is also reciprocating the Democratic senators for including in the 2005 budget law six provisions that GFT had lobbied for.

These are the salary increment for teachers, reclassification, leave without pay for union officials, \$3.8 million furlough pay for teachers, two-day weekend and 39 percent pay increase for Guam Memorial Hospital nurses.

Asked why GFT is not endorsing any incumbent Republican, Rector said, "They don't

want our endorsement. None of them responded to our questionnaire, except for Sen. Larry Kasperbauer."

Rector said a review of Kasperbauer's work in the Legislature "shows some of the problems that puts this guy on the wrong side of the issues important to educators, students and parents."

amendment by Bordallo to the Labor/HSS/Education appropriations bill which sought to provide a temporary 30 percent increase in Medicaid funding to Guam, the U.S. Virgin Islands, American Samoa and the Commonwealth of the Northern Mariana Islands to assist local governments in meeting critical shortages in public health funding.

Taking the floor in support of

the amendment, Bordallo said Burton provided compelling and personal testimony based upon his visit to Guam. His assistance in working with the Republican leadership also helped bring high-level attention to this important issue.

According to Bordallo, there will be many leadership changes in the 109th Congress and Burton is looked at by many as the

front-runner for the chairmanship of the House committee on international relations subcommittee on Asia and the Pacific if the Republicans maintain a majority in the House.

Bordallo added that Burton came to visit friends on Guam and the Northern Marianas at his own expense and no government funds were used to pay for his visit. (Gerardo R. Partido)

Print this story

Governor says AG's input on Bill 374 complicates already difficult matter

by Ken Wetmore, KUAM News
 Wednesday, October 27, 2004

Bill 374 sat on Governor Felix Camacho's desk and Wednesday afternoon, the Governor signed the bill into law. The Bill, passed by the Legislature Monday evening, suggests it is a measure to change Guam law to allow political advertising on Election Day, but an amendment also included provisions meant to ensure a vote on Proposal "A" takes place during the November 2 General Election.

The amendment states the initiative does not have to be mailed out to registered voters as the law currently reads, and also adds any defect in the ballot pamphlet distributed by the Guam Election Commission is not cause to delay the election.

Governor Camacho says the question of whether to sign Bill 374 into law or to veto it is not an easy decision, adding, "The big issue before me is what is the right thing to do and is it even possible at this level at this point to accomplish fairness and do what is right by the electoral process."

The Governor said what he is trying to weigh is if the Legislature's remedy is indeed a remedy. The Governor said he feels Guam Attorney General Douglas Moylan threw a monkeywrench in the electoral process when he publicly stated the vote on Prop "A" was tainted because of deficiencies in a Prop "A" information pamphlet mailed out by the GEC. "Well, no one asked for his opinion. He offered it, and that's the AG," said Camacho sternly. "I don't know what his intentions are good or bad, but he certainly has confused the issue greatly."

In the end, Governor Camacho said he felt the final determination on what should happen with the vote on Prop "A" will have to be determined by the courts. Currently a lawsuit is before the Guam federal District Court, asking for a stoppage of the vote on Prop "A" during the General Election and instead place it on a special election ballot at a later date. When asked that should a judge does file an injunction on the matter, saying that next week's election should not take place, would he call for a special election on Prop "A", the Governor paused before responding.

"If that is the case, more than likely I will," he said, "but I'm going to request for the Legislature to incorporate the money rather than just exercise my transfer authority. The amount of transfer authority I have is limited as is."

While a decision from the courts may still be a ways off, the Governor today said he feels he has a responsibility to act on the Legislature's measure in prompt manner. By law the Governor has ten days to act on legislation, which means he could wait until after Super Tuesday to take action on Bill 374. "To make it lapse by not acting is inactivity. It reminds me of a senator out there that refuses to act on a

nomination, but like I said indecision is a decision," he continued. "I'm going to act on this...I will be decisive on this but it does not end or solve the many issues that remain."

Ultimately Governor Camacho, shortly before 6pm, signed Bill 374 into law.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Print this story

Pacific Daily News

©2004 Guam Publications, Inc.

A Gambell Newspaper

35 NO. 271 HAGĀTNA, GUAM, OCTOBER 28, 2004

HAGA ADAI, IT'S THURSDAY

guampdn.com

75¢ on Guam

Guam PDN.com
Little Daily News
with full source

Don't forget to visit
us at Pacific Daily News
today's source

ATM
Ident are
that your
water is
safe to drink?

Safe from water
borne diseases

ON THE AIR

Get the
latest news
right to you by the
Pacific Daily News
on
92.9 FM 95.5

Go to live news Monday
through Friday at:
6:30, 8:30 and 9:30 a.m.,
11:30 a.m. and 12:30 p.m.,
4:30 and 5:30 p.m.

on
92.9 FM 91.9 FM

Go to live news Monday
through Friday at:
6:30, 7:30 and 8:30 a.m.,
4:30 and 5:30 p.m.

Key couple

Go on to www.guam-
ridatguide.com to
for your favorite coun-
try our online journal
test. The voting is
today and closes
a.m. Monday. The
young couple gets a gift
from Mandara Spa.
See story, Page 30

side

**N. Korea likely
test missile**

Page 15

Prop A votes will count

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

The results of next week's casino gaming initiative will be valid, despite the Guam Election Commission's failure to mail the complete text of the initiative to voters, as required by law. Gov. Felix Camacho yes-

terday afternoon signed into law Bill 374, which states that any defect in the casino ballot pamphlet shall not cause the election to be delayed or invalidated.

The bill, by Speaker Ben Panggelinan, D-Barri-gada, was passed by lawmakers 14-1 during session Monday evening. Democratic Sen. Randall Cunliffe voted

TO THE POINT

▲ Gov. Felix Camacho signed Bill 374 into law, which will validate the results of next week's casino gaming initiative.

against it, saying he disagreed with changing the election rules so close to the election.

It was introduced after the Guam Election Commission

INSIDE

▲ Election 2004

failed to mail the entire text of the 80-page initiative to voters and after the attorney general's office stated that the flawed pamphlet will make the election results unenforceable.

The threat of a tainted cas-

ino election prompted two lawsuits in the Superior Court of Guam, asking the court to stop the election and to force a special election more than two months from now. It is not clear how the new law will affect those lawsuits, which have not been resolved.

"It's not about a one-page or 80-page pamphlet," Camacho said yesterday in a

▲ See Prop A, Page 4



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Purified: Pure Living Water and Ice general helper Ransom Sas, 20, works at the Dededo store. Guam Waterworks Authority has assured that a well that showed a level slightly above normal of a chemical used against termites has been shut down.

Termite chemical shuts well

By Katie Worth

Pacific Daily News
kworth@guampdn.com

A well in the Harmon area has been found to be contaminated by the chemical chlordane — a chemical that was injected into the ground for decades to protect buildings from termites.

Though that practice was stopped in 1988, the chemical still is in the ground because it is long-lasting and slow-moving, said Guam Waterworks Authority's environmental and safety com-

TO THE POINT

▲ A chemical used to protect buildings from termites was found in a well in the Harmon area last month, and the well has been shut down before contaminant levels increased.

pliance specialist, Paul Kemp. The water well has been taken off line and the water is no longer going into taps, he said. He emphasized that the levels were barely above ac-

ceptable levels and are unlikely to have had any impact on human health. Residents do not need to seek an alternative source of water, he said.

Kemp said only in the last year have the levels in the well been above the maximum contaminant level, which is 2.0 parts per million. The levels over the last year have averaged as high as 2.25 parts per million.

Prolonged exposure to high levels of chlordane can cause gastrointestinal distress

and neurological symptoms, such as tremors and convulsions, according to the U.S. Environmental Protection Agency Web site. The chemical is thought to cause liver damage and has been classified as a probable carcinogen as well, the site said.

Kemp said the area's other wells have not been showing higher levels of chlordane.

The water agency shut off Well M-14, which serves the area between Harmon Loop

▲ See Water, Page 4

Guam fails to ask for \$1.4M

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

The federal commission that is working to improve the nation's **Election 2004** elec- tions is concerned that Guam and a handful of other U.S. jurisdictions have not applied for millions of dollars in federal election money, the Associated Press reported yesterday.

The concerns were raised during a meeting this week by the U.S. Election Assistance Commission — a

▲ See Money, Page 4

Doctor now licensed

The Guam Board of Medical Examiners decided yesterday to grant Philippine-based Dr.

Jojo Pasion a permanent license to practice medicine on Guam, but under certain stipulations. The licensure issue caused waves through the cancer care community during the last several weeks because Pasion had come to Guam to fill what was then a near-void in island cancer care.

Guam Shopping Center **ACLU** **REACT**

Be Cool and Stay in School

Case 1:04-cv-00046 Document 37-7 Filed 11/23/2004 Page 2 of 22

Prop A: Issue complicated, AG says

▲ Continued from Page 1

written statement. "It's about doing what is right. It's about allowing the voice of the people to be heard, and the will of the people to stand."

Attorney General Douglas Moylan said the governor's decision to sign the bill into law has not resolved the issue, but complicated it even more. Changing that law was unconstitutional, Moylan said.

"I'm disappointed that he chose to sign it," Moylan said. "Bill 374 is an attempt to retroactively infringe on a substantial right of the voters for the initiative question on Nov. 2." Moylan said that question will be raised during the ongoing lawsuits.

Pangelinan yesterday said the Election Commission started the issue when it failed to follow its own procedures, but said the attorney general's objections "raised the bar" and tainted the initiative process. The attorney general's continued interest in the matter prompted a solution by lawmakers, Pangelinan said.

"I'm certainly pleased by (Carmacho's) actions. I believe that this will remove the taint that the attorney general has placed on this election process by the opinion that he had issued. I think allowing the vote to go forward and having the vote counted is the best thing for this community."

He said supporters and opponents of legalized casino gaming on Guam have spent a lot of time and energy to educate the public about their respective positions. "To delay the vote any further, I think, is a great injustice to those efforts," he said, and would continue to divide the community unnecessarily.

Moylan said the attorney general's job is to watch the government to make sure it follows the law.

TO LEARN MORE

PROPOSAL A

▲ To learn more about Proposal A, call Citizens for Economic Diversity at 647-CFED (2333) or visit its Web site, www.guamgaming.com.

OPPOSITION

▲ To learn more about Communities Opposing Prop A, call 472-COPA (2672) or visit its Web site at www.copaguam.com.

"The Election Commission violated the law and it was our duty to point out the violation and to ensure that the law would be followed," Moylan said. "The confusion occurred back when the voters were not given the opportunity to receive the 80-page initiative. ... They had a right to receive the 80-page initiative and review it for at least three weeks before the election. We're about six days away and they're now being told they can quickly come up to speed on the 80-page document."

Moylan said the governor's decision to sign the bill into law also has created two classes of voters for this General Election — those who were entitled to receive the 80-page initiative text and did not get it before they voted, and those who will vote under the rules of the new law, which states they can review the initiative at mayors' offices, libraries and online.

Bill 374 also repealed a section of Guam's election law that prohibits political candidates from campaigning or running political advertisements while the polls are open on Election Day. The Guam Election Commission has not enforced that law since 1987 because of an opinion by its legal counsel.

Money: Commission to apply after Election Day

▲ Continued from Page 1

group created in 2002 that provides funding and technical guidance for federal elections.

Guam Election Commission Executive Director Gerald Taitano yesterday acknowledged that the Election Commission has not applied for this year's \$1.4 million allotment from the federal government. Guam is entitled to the money because the Congressional delegate's seat — a federal office — is part of the Guam ballot every two years.

The Election Commission must pay a 5-percent match of \$70,000 in order to receive the \$1.4 million, Taitano said, but it did not have the funding until recently, when the government of Guam fiscal 2005 budget was approved.

"Now we are ready and positioned to apply for the second increment. We haven't done that, and the reason for that is we were busy with the election," Taitano said. "I expect to do that in the next couple of weeks, after the election."

When it is received, most of the \$1.4 million will be used to buy more electronic voting machines, which will be used exclusively in polling places during the 2006 elections. More than \$100,000 will be spent on software and training to create a new, centralized, database of registered voters at the

Guam Election Commission.

Guam already has received \$1 million in "early money" from the federal government, which did not require a match from local funds. That money was spent primarily on the electronic voting machines that were used during the September Primary Election and which will be used again Nov. 2. The Election Commission has provided one electronic machine at each precinct in order to transition

to paperless voting. Alaska, Illinois, New York, Guam, Puerto Rico and the Virgin Islands

— which are in line to share \$250 million — have not applied for the funds, U.S. Election Assistance Commission officials said. The issue arose Tuesday at a meeting of the commission, according to the Associated Press.

"It is surprising and disappointing that we do have any states, regardless of who they are, that we have any states that still have not asked us for distribution of this money," Commissioner Ray Martinez said after the meeting. "Obviously our preference is for the states to receive this money and to do it as quickly as possible."

Taitano said the Election Commission will need another 5-percent match each year during the next couple of years in order to receive the federal allotments for those years.

Election 2004

Water: Wells will be checked

▲ Continued from Page 1

Road, Route 16 and Marine Corps Drive, on Sept. 22, as soon as it became clear the contaminant levels had risen, he said.

Kemp said one reason the levels might have risen is because of the excessive rains Guam received this year. Both June and August received near record-breaking rains this year, which might have pushed the chemical farther into the water.

Notice

Because the chemical is a "tier two" contaminant, Kent said, the agency had one month from the time of the shutoff to let residents know about the contamination. He said the notice was intended to go out last week, but Typhoon Nockten delayed it. Last night, the water agency was scheduled to hold a meeting with northern residents about the contamination.

Waterworks will be checking the offline well and other nearby wells for contamination levels monthly, rather than quarterly, for the next several months, Kemp said.

"The reason we're holding the meeting is to let people know it's not a serious risk," he said. "It's something people have to know has happened, but it's not something they need to do anything about."

Ester Kok, owner of Pure Living Water and Ice, has her doubts.

She said her customers, which range from residents to restaurants, are very sensitive to water issues on Guam, and after GWA's announcement, she fully expects her customers to ask questions.

Kok said through her purification system, the business can resolve the common bacterial problems that send boil-water notices throughout the island's villages, but chemicals such as chlordane are a different problem.

Even if the well was shut down, Kok said, she has a network of friends with water businesses, including technicians, in California that she calls to consult whenever faced with potential health hazards.

"I don't want people to get sick because of my water," Kok said. "Sometimes, I call other companies in California whenever we have water problems, and they're Korean so we can communicate better. But even they sometimes don't understand. They say, 'Your main water system really has a problem.'"

ABOUT CHLORDANE

▲ In 1988, all approved uses of chlordane in the United States were canceled. From 1983 to 1988, chlordane's only approved use was to control termites in homes.

▲ Before 1978, chlordane was used as a pesticide on crops, lawns, and gardens.

Health hazards:

▲ Neurological effects, such as headaches, dizziness, irritability and convulsions, and effects on the blood have been seen from acute chlordane exposure in animals and humans.

U.S. Environmental Protection Agency: www.epa.gov

GFT speaks out at well-attended rally

By Oyaol Ngrairikl

Pacific Daily News

ongirairikl@guampdn.com

Hundreds of people attended the second Annual Health and Education First Rally yesterday, holding signs urging island leaders to restore government employees' raises.

The Guam Federation of Teachers, a local union that represents about 5,000 government employees, including teachers, bus drivers and nurses, sponsored the rally, which took place from 4 p.m. to 6 p.m. at Skinner Plaza in Hagaña.

"We all had a great time," said GFT President Matt Rector. "It was good for our membership to hear from other members, and good for our senators to hear what our members had to say."

The 13 senatorial candidates who received the endorsement of the union also were at the rally, shaking hands and promising to support various union issues.

Rector said the union has a lot of "new and exciting" things that the organization is working on, but now is concentrating on getting its endorsed senatorial candidates elected.

Union members will be canvassing Guam's villages this weekend with senators, urging Guam's voters to vote for the senators who are "on our side," Rector said.



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Health and education: Addy Reyes, 42, of Agat, right, and her husband, Oceanview Middle School Chamorro teacher Cerilo Reyes, 56, listen during the Guam Federation of Teachers rally at Skinner Plaza yesterday.

The union is endorsing Democrats Frank Aguon Jr., Mark Charfauros, Benjamin Cruz, Randy C-

liffe, Lou Leon Guerrero, Tina Mufia-Barnes, Ted Nelson, Ben Pangelinan, John Quinata, Rory

Respicio, Toni Sanford and Judith Won Pat and Republican Tony Unpingco.

Marianas Variety

Vol. 01 No. 20
©2004 Marianas Variety

Thursday • October 28, 2004

www.mvariety.com
Serving the Marianas for 32 Years

50¢

Prop A bill signed into law

By Mar-Vic Cagurangan
Variety News Staff

AMID the legal issues that have muddled the Prop A plebiscite, Gov. Felix P. Camacho signed into law yesterday the bill which seeks to pave the way for the

Court lifts ban on election-day campaign

By Mar-Vic Cagurangan
Variety News Staff

THE Superior Court yesterday lifted the ban on election-day campaigning, thus allowing candidates for the Nov. 2 general election to place their last-minute political advertisements on Tuesday.

Superior Court Judge Nita Sukola granted the preliminary injunction petition filed by Attorney General Douglas B. Moylan, who questioned the constitutionality of the provision in the Guam election law that requires political candidates to end their campaigning on election day.

Sukola issued the preliminary injunction after noting that the defendant in the case, the Guam Election Commission, did not oppose Moylan's lawsuit.

The lawsuit filed by Moylan on Sept. 22 questioned the con-

Continued on page 2

casino vote on Nov. 2.

"It's not about a one or 80-page pamphlet. It's about doing what is right. It's about allowing the voice of the people to be heard and the will of the people to stand," Camacho said in a brief press statement after signing Bill 374, which was hastily passed by the Legislature on a

14-1 vote on Monday.

The legislation amends the Casino Gaming Initiative Act to waive the mailing requirements for the voters information pamphlet.

Bill 374 is an attempt to jump the gun on the legal process, which is dealing with the Citizens for Economic Diversity's lawsuit

seeking to stop the plebiscite on the Casino Gaming Initiative, which coincides with the Nov. 2 general elections.

Bill 374 removed the distribution requirements for voters' information pamphlets as well as the requirement that a complete copy of the initiative measure to be mailed to voters. What

it requires, instead, is the posting of the initiative measure at all village mayors offices and the GEC website.

CFED's lawsuit was originally scheduled to be heard at the local court at 2 p.m. today. On Tuesday, however, the Attorney General's Office filed a court

Continued on page 2



Dan Sommerfeck discusses the advantages of having a community integration office. Gov. Felix P. Camacho signed an executive order that establishes the office yesterday.
Photo by Trina A. San Agustin

Inside:

Private group to hold p. 7

Saudi steps up charity p. 26

Iran blames US p. 17

Raised chert accounts p. 21

Beat Heat p. 23

27-year old man to be extradited

By Trina A. San Agustin
Variety News Staff

A 27-YEAR old man wanted by the State of Texas is on Guam and will be extradited back to the state calling for his presence.

David M.C. Mason Donovan, 27, failed to register with the State of Texas' sex offender registry for molesting a 5-year old girl, according to Attorney General Doug

Moylan.

Donovan was convicted in 1997 of aggravated assault of the 5-year old girl and served six months in prison. The warrant for his arrest was issued after he failed to register as a Texas sex offender. Donovan was charged with failure to comply with sexual registration requirements as a felony.

"The state issued a warrant for his arrest. He was picked up

in Jakarta, Indonesia and officials extradited him to the closest jurisdiction, which is here on Guam," Moylan added.

Donovan contested the extradition and the Attorney General's Office went through a full extradition hearing yesterday, that lasted several hours.

Superior Court Judge Katherine Maraman granted the AGO's request to extradite Donovan back to Texas.

"This was one of the few cases where a person tried to contest his extradition, so we had to go through the full hearing," he said. "This office is committed to working with local and federal law enforcement officers to ensure sex offenders are monitored to protect our children against sex crimes," Moylan concluded.

Donovan's extradition date is not known.

FREE

Share unlimited cellular minutes + walkie talkie

CONNECT
IMITATED...NEVER EQUALED

Public Health wants changes to 'medicine bank' bill

By Gerardo R. Partido
Variety News Staff

THE Department of Public Health and Social Services (DPHSS) generally supports Bill 344 which would create a "medicine bank" within the department.

However, DPHSS director Peter John D. Camacho said he does have some concerns that he wants the legislature to consider to ensure that the department can more efficiently implement the proposed medicine bank.

Bill 344, introduced by Sen. Lou Leon Guerrero, would create a medicine bank that would accept surplus pharmaceutical medicines, supplies and equipment from charitable, non-profit organizations, pharmaceutical distributors, manufacturers and retailers.

The medicine bank would then distribute these donated items through the various community health centers to eligible low-income beneficiaries.

Because the donations are often written off as tax losses for the donor companies and organizations, the cost of the medicine to eligible individuals will be affordable when purchased or received from the medicine bank.

In his testimony to the legisla-

ture, Camacho said there needs to be a mechanism in place for these durable goods to be examined and tested prior to any distribution to patients. And these tests must be completed by a trained biomedical technician.

"Additionally, we should consider requiring that the medical equipment come with the correct operating manual as well as any documentation of maintenance history associated with the equipment. If the government is now to issue such equipment, we must consider the liability question should a problem arise from the use or operation of these items," Camacho proposed.

As envisioned, the medicine bank will increase accessibility of medical supplies through distribution at community health centers located in the northern, central, and southern areas of Guam.

But Camacho said that having the medicine and medical supplies distributed through the community health centers may be inconvenient for some individuals eligible under Medicaid poverty guidelines.

"If there is something that can be obtained from the medicine bank and issued through this in-



Pharmacies with surplus supplies can donate to the proposed medicine bank.

Photo by Gerardo R. Partido

stitution, this should be allowed rather than requiring the patient to go to the community health center to get what he or she needs," Camacho suggested.

There are also "start-up" and maintenance costs that have to be considered, Camacho added.

Presently, DPHSS still lacks a qualified pharmacist for its community health centers.

In addition, Camacho said the department would also need to have funding for a facility that would house the donated medical items.

Nonetheless, Camacho said the department agrees with the concept of the medicine bank because this has great potential in improving the quality of people's lives by providing affordable pharmaceutical medicines and supplies.

Interior back CUC privatization

By Ulysses Torres Sabuco
and Gamma Q. Casas
Variety News Staff

SAIPAN — The federal government is supporting the CNMI's effort to privatize the power service in the Commonwealth. Deputy Assistant Secretary of the Interior for Insular Affairs David B. Cohen said yesterday.

Cohen, however, said the federal government cannot offer its territories direct financial help to cope with the skyrocketing prices of fuel products.

Cohen is on Saipan for a brief visit enroute to his Tokyo meeting.

Economic research show that privatization of power services will result in the increase of local employment, and will result in more "cost-effective services," Cohen said.

The Commonwealth Utilities Corp. is proposing to privatize four of its power plants. CUC could no longer afford the maintenance and operation, including the upgrade of these facilities, which are over 20 years old.

"If the government wants to pursue privatization, we will be supportive and do what we can to assist (the effort)," Cohen told reporters yesterday.

Cohen met with Gov. Juan N. Babauta and some members of the Legislature for a "closed-door off-the-record meeting" yesterday, to follow up on the progress made regarding the recently held Investment Conference in Los Angeles.

Cohen noted that the CNMI, being a self-governing entity, is struggling to cushion the impact in fuel price increases.

But he said what the federal government can do is help in the maintenance cost of facilities, like power plants.

"We understand how difficult it is for businesses to survive in light of skyrocketing fuel prices," he said.

"We probably do not have specific money where we could offer direct financial assistance, but we are doing our best to work with the government to work on other issues to improve the business climate," he added.

CUC, an autonomous agency, is proposing to raise the cost of power by as much as 35 cents per kilowatt-hour starting December.

The move is projected to generate as much as \$15 million for CUC, currently faced with mammoth deficit due to rising fuel costs.

Cohen said the CNMI can avail of grants from the Department of Interior to build facilities for utilities such as power, water and sewer.

"We certainly provide assistance for the maintenance of facilities. We have an operations and maintenance improvement programs that applies to all territories," he said.

"The dollar amount of the grant is not great; it's a few million dollars a year. But it is very effective assistance to help the islands maintain their facilities."

UOG prof to launch The Nature of Sexual Desire

DR. James Giles, former University of Cambridge lecturer and now associate professor in Philosophy at the University of Guam, will introduce his latest book, *The Nature of Sexual Desire*, during the College of Liberal Arts and Social Sciences College Colloquium on November 3th. The College Colloquium will be held at 3:30 p.m. in Humanities and Social Sciences Building, Room 3F.

Although there has been much discussion about things like the causes, loss, and maintenance of sexual desire, there has been

little research into the nature of sexual desire itself. Consequently, most of the discussions on these topics have gone on without any clear idea about what it is that is being discussed. Dr. Giles will discuss concepts in his book that describe what sexual desire is. Further, this book takes an interdisciplinary and intercultural approach, drawing on a wide range of texts and research. James Giles is Associate Professor of Philosophy at the University of Guam.

He was born in Vancouver, Canada and studied at the Uni-

versity of British Columbia and the University of Edinburgh, from where he holds a PhD in philosophy.

He has also taught at the University of Cambridge, the University of Edinburgh, Aalborg University, Roskilde University, the University of Copenhagen, and the Hawaii College of Kansai Gaidai University, Japan. Dr. Giles is a member of the Society for Asian and Comparative Philosophy and has traveled widely through India, China, South-East Asia, and the Pacific.

Prop A...

Continued from page 1

notice transferring CFED's lawsuit to the federal district court.

Assistant Attorney General Robert M. Weinberg stated in the notice submitted to the court that CFED's lawsuit was a federal question considering that it alleges violations of the First and Fourteenth Amendments.

AGO is representing the Guam Election Commission, which is named as defendant in the lawsuit. Attorney General Douglas

Moylan said yesterday that his office is authorized to remove a case from the local court and transfer it to the federal court.

"Once the case is transferred to the district court, the local court loses jurisdiction," Moylan said.

However, it was not clear as of press time if the originally scheduled proceedings at the local court was cancelled or would push through.

A legal staffer at Dooley Lanne Roberts and Fowler, which represents CFED, said the law office had

not heard of any change in the schedule as of yesterday afternoon.

Moylan, meanwhile, reiterated that Bill 374 faces the risk of being challenged in the court later.

Moylan said the legal confusion began when GEC failed to comply with the pamphlet requirements, and the senators further complicated the issue when they passed Bill 374.

"The senators should acknowledge that the voters' right were violated when the confusion occurred," Moylan said.

Court...

Continued from page 1

constitutionality of Section 8103 of the Guam election law, which states that political campaigning must stop "before the time the polls open and shall remain inactive during the period that polls are opened."

The election-day campaign ban applied to radio and television political ads and distribution of campaign materials within the premises of polling places.

The attorney general had argued that imposing a campaign ban on election day violates the

First Amendment right to freedom of speech.

"The right to publish political messages is one of the most protected forms of speech in our Constitution," Moylan said after Sukola signed the order yesterday afternoon.

"We thank and commend Judge Sukola for finding that sufficient grounds existed to protect the rights of candidates to advertise on election day and the electorate to hear their messages. It is through their messages that we will be able to best informed about

selecting good leaders," he added.

On Monday, the Legislature passed Bill 374, which repealed the provision in the election law that imposed the election-day campaigning ban.

Bill 374, which is awaiting the governor's action, noted that similar statutes have been declared unconstitutional in previous cases. "Similar cases brought before other court jurisdictions resulted in the same decision that laws similar to Guam's are in violation of the First Amendment," the bill added.

Print this story

Controversy surrounds stipulated order in Prop "A" lawsuit

by **Ken Wetmore, KUAM News**
Thursday, October 28, 2004

Just when you thought the whole Proposal "A" vote couldn't get any more confusing - it has. The Guam Attorney General's Office and Jay Merrill and Lou Aguon-Schulte, who have filed lawsuits trying to stop the vote on the casino gaming initiative, filed a stipulated agreement with the District Court, essentially creating an agreement between two opposing parties in the lawsuit.

In this case the Attorney General's Office, representing the Government of Guam, and the plaintiffs in the case, who are proponents of Prop "A", agreed to three points. First, the Guam Election Commission failed to follow the relevant Guam election statutes and election rules government the peoples' right to vote by initiative. Second, the General Election vote on Prop "A" would be invalid and third if the District Court signs off the GEC will be barred from counting and certifying the votes for or against Prop "A".

The stipulated order has been met with a flurry of opposition from the Legislature, the Governor's Office, the Guam Election Commission, and Communities Opposing Proposal "A". The Legislature and the Governor's Office have entry of appearances and filed objections to the stipulated order, saying the AG's Office never consulted with them about the stipulated order, even though the AG's Office is purporting to represent them. Both objected to the terms of the agreement.

The Guam Election Commission also objected to the stipulated order and filed a motion in the District Court to dismiss Aguon-Schulte and Merrill's lawsuit altogether. As for COPA, that organization's legal counsel, Attorney Jay Arriola, says they to have filed objections with the District Court. In order for the stipulated order to go into effect a federal judge would have to sign off on it.

The Governor issued a statement about the AG's actions, saying, "I never told the AG that he could act on my behalf to stop Guam's voters from casting their votes...the Attorney General is trying to be the lawyer, the client, and the judge."

So far there has been no word when or if any action will be taken on the stipulated order.

Copyright © 2000-2004 by Pacific Telestations, Inc.

Print this story

Pacific Daily News

©2004 Guam Publications, Inc.

A. Gannett Newspaper

VOL. 35 NO. 272 HAGATNA, GUAM, OCTOBER 29, 2004

HAGA ADAL, IT'S FRIDAY

guampdn.com

75¢ on Guam

Guam
PDN
.com
Pacific Daily News
GUAM'S COMPLETE SOURCE

Don't forget to vote
every day's Pacific Daily News
has today's source

What time
could trick
on treating
officially start
on Sunday?

Results from yesterday
PDN.com on Page 1

Pacific Daily News
ON THE AIR

Get the
latest news
brought to you by the
Pacific Daily News
on
KSTereO FM 95.5

Listen to live news Monday
through Friday at:
▲ 7:30, 8:30 and 9:30 a.m.
▲ 11:30 a.m. and 12:30 p.m.
▲ 4:30 and 5:30 p.m.

on
Joy 92, 91.9 FM

Listen to live news Monday
through Friday at:
▲ 6:30, 7:30 and 8:30 a.m.
▲ 4:30 and 5:30 p.m.

Victorious

Red Sox sweep away
doubters, cul'ses.

▲ See
story,
Page
72



Inside

▲ Progsters reveal
their true selves

Page 71

12 arrested in homicide

Barrigada man faces charges in stabbing at party



Ric A. Eusebio/Pacific Daily News/reusebio@guampdn.com

Suspects: Guam Police Department Police Officer Dennis Santos, of the Criminal Investigation Division, left, escorts Jermaine Anthony Pangelinan Salas, 26, of Yigo, center, as a fellow GPD officer escorts Vincent Peter Pangelinan, 28, of Chalan Pago, right, out of the Criminal Investigation Section building in Tiyan last night.

By Theresa Merto
Pacific Daily News
tmerto@guampdn.com

Twelve people were arrested last night in connection with the stabbing death of a 25-year-old man at a Dededo party this past weekend.

Before 10 p.m. yesterday, Vincent Peter Pangelinan, 28, of Chalan Pago was arrested in connection with the stabbing of a 25-year-old man whose name has not been released, said Sgt. Bonnie Suba of the Guam Police Department's Criminal Investigation Section.

Vincent Pangelinan faces charges of aggravated murder, aggravated assault, rioting, child endangerment, guilt established by complicity, criminal facilitation, unsworn falsification, hindering apprehension, obstructing government operations and possession and

▲ See **Arrests**, Page 4

TO THE POINT

▲ Police arrested 12 people in connection with the stabbing death of a 25-year-old man at a Dededo party Saturday night.

Teen shot in car chase

Van in chase was allegedly stolen

By Theresa Merto
Pacific Daily News
tmerto@guampdn.com

The Guam Police Department has launched an internal affairs investigation after police yesterday shot at a 16-year-old boy who allegedly tried to run them over with a stolen vehicle.

At 4:40 p.m., Guam Police Department Hagåtña Precinct personnel received information that there was a stolen van traveling on Maimai Road in Chalan Pago, said police spokeswoman Sgt. Kim Santos. Hagåtña Precinct officers responded and intercepted the van, but the operator refused

TO THE POINT

▲ A 16-year-old boy allegedly stole a van and was shot at when he allegedly tried to flee during a chase late yesterday afternoon.

to pull over, Santos said.

"He continued and took a left turn once they got onto Route 4, and took a left turn toward the Chalan Pago church," Santos said. "Traffic was backed up at that location, which brought the van to a near stop."

The police officers had called out for the operator of the van to stop and exit

the vehicle. He refused to stop, and instead he took a U-turn and tried to run the police officers over, Santos said. There was one police officer on a motorcycle and one officer was in a police car.

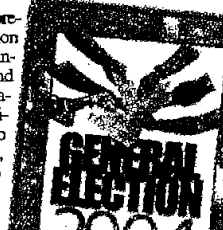
"Shots were fired by the police," Santos said. "But the van continued to travel back down, and what happened was he made a left turn onto Chalan Quiñata, ran off the roadway, struck a campaign sign, ran off the roadway again, ran into a yard and then landed on an embankment."

The suspect, whose name

▲ See **Chase**, Page 4

Prepare to vote Nov. 2

The Pacific Daily News presents its General Election guide. Get to know your candidates and where they stand on issues that involve education, the economy and privatization. You also can go online to guampdn.com. Your Voice, Your Vote to find more questions and your candidates' answers.



Special election sought

Casino gambling proponents Citizens for Economic Diversity will pursue a special election for **Election 2004** the group's Proposal A, even if the vote goes the group's way in the General Election on Tuesday, the group's consultant said yesterday.

Jay Merrill said the election process has been tainted because of mistakes made by the Guam Election Commission, which means the election results are vulnerable to being challenged, win or lose.

▲ See **story**, Page 3

CFED will disregard Nov. 2 voting results

Steve Limtiaco

Pacific Daily News
steve.limtiaco@guampdn.com
Citizens for Economic Diversity, which supports legalized casino gaming on Guam, will pursue a special election for the group's Proposition A even if the vote goes their way during the General Election on Nov. 2, the group's consultant said at a meeting yesterday afternoon.

Jay Merrill said the election process has been tainted because of mistakes made by the Guam Election Commission, which means election results are vulnerable to being challenged, win or lose. The only way we can be sure the law we have brought before people will stay the law of the land is to ensure there is a fair and untainted election," Merrill said.

Prop A, approved by voters, would allow as many as 10 casinos to be built in large hotels and create a gaming commission to regulate casinos. A new casino tax would provide money for the General Fund as well as for infrastructure projects.

The Guam Election Commission earlier this month mailed an informational pamphlet to voters that did not include the complete text of the 80-page casino initiative — a decision that the attorney general's office has said will make election results unenforceable. Guam law states that the informational pamphlet must contain a complete copy of the initiative.

The Election Commission legal counsel, Cesar Cabot yesterday disputed attorney general's claim. "We've always maintained that we followed the letter of the law," Cabot said. "We've never wavered on that message. It's the attorney general who came out and said that the law is unenforceable."

Added support

Merrill and CFED campaign coordinator Lou Aguon-Schulte this month filed separate lawsuits against the Guam Election Commission in order to stop the casino election on Tuesday and to force the government to hold a special election at least 60 days from now.

On Wednesday, they found an unlikely ally in the attorney general's office, which signed an agreement with Merrill's attorney acknowledging that the Election Commission made a mistake and that Tuesday's election on Proposition A should not count.



Election process: Citizens For Economic Diversity consultant Jay Merrill speaks before CFED supporters at the organization's headquarters in Tamuning yesterday.

TO LEARN MORE
▲ Yes or no, the Citizens for Economic Diversity will pursue a special election for Proposal A, stating that the election has been tainted.

The "stipulation and order for preliminary injunction" was signed by Assistant Attorney General Robert Weinberg and attorney Thomas Roberts. It states that next Tuesday's casino election is invalid and asks the court to prevent the Election Commission from counting, tabulating or certifying the results.

That agreement has not yet been approved by the court and has been opposed by the Election Commission and the governor, who objected to the attorney general participating in the case.

The attorney general's office said it has the legal authority to represent the government in those cases.

Cabot said it is a conflict of interest for the attorney general's office to defend the Election Commission against the lawsuit since the attorney general already has publicly stated the commission was wrong.

"This attorney general, who has publicly convicted the (Guam Election Commission) and the executive director (Gerald Taitano), now wants to defend us and represent our interests in the Superior Court and in the district court. I think that's ludicrous," Cabot said. The fact that the attorney general's office has signed an agreement blaming the Election Commission underscores that concern, he said. Cabot filed a request in court yesterday, asking the court to reject the agreement between the attorney general and the pro-casino group.

TO LEARN MORE

PROPOSAL A

▲ To learn more about Proposal A, call Citizens for Economic Diversity at 647-CFED (2333) or visit its Web site, www.guamgaming.com.

OPPOSITION

▲ To learn more about Communities Opposing Prop A, call 472-COPA (2672) or visit its Web site at www.copaguam.com.

The governor's attorney, Michael Pangelinan, filed a similar objection, saying the governor never consented to the agreement with the pro-casino group.

Legal issues

In a written statement issued late yesterday, Gov. Felix Camacho accused Attorney General Douglas Moylan of violating the public trust.

"I never told the attorney general that he could act on my behalf to stop Guam's voters from casting their votes. The attorney general is trying to be the lawyer, the client, and the judge," Camacho is quoted as saying.

Camacho on Wednesday signed a law which requires the casino election to proceed, even if the ballot pamphlets were flawed, and which states that the casino election results will be valid.

"Only the swift actions of the Election Commission, the Legislature, and the governor, who today all acted in opposition to the attorney general's actions, have prevented the attorney general from stealing the people's right to decide Proposal A," states a written release from the governor's office.

Weinberg said the attorney gen-



Photos by Ric A. Eusebio/Pacific Daily News/rousebio@guampdn.com

Pro-gaming: Former Lt. Gov. Eddie Reyes, now a resident of Las Vegas, Nev., speaks before Citizens For Economic Diversity supporters at the CFED headquarters in Tamuning yesterday, as he shares his views on Proposal A and the legal battle the organization faces.

eral's office has the legal authority to represent the government in the casino-related lawsuits.

"There will be a conflict and a controversy amongst the governor, the Legislature and the Election Commission as to who represents them in this case. The attorney general is the chief legal officer of the government of Guam — that's in the Organic Act," Weinberg said. "What that means is there is only one lawyer to set a coherent legal policy for the government, and that is an elected attorney general. So while they think they have their right to assert their own independent legal positions in court, the truth of the matter is they do not."

Weinberg also said he does not believe the attempt by lawmakers and the governor to preserve the casino vote next Tuesday will stand up in court.

"The Legislature's ... trying to

switch horses and say, 'The Election Commission may have violated the law, but it's okay.' And you can't do that," Weinberg said. "The voters have vested rights to receive what they should have received. The Legislature just wants to come in and sweep away that. It may have been well-intentioned, but it's not legal. I don't think that when properly challenged in court, as I anticipate the plaintiffs in these cases will do, it won't stand up. That law (signed Wednesday) will be stricken."

Hermee Maravilla, 61, of Dededo, said he thinks the casino vote should happen Tuesday, even if voters did not receive the entire text of the casino initiative. He said he received the single-page pamphlet from the Election Commission.

"I think most of the island already decided," he said.

Pacific Daily News

GENERAL INFORMATION

Business hours are 8 a.m. to 6 p.m. Monday to Friday, 8 to 11 a.m. Saturday, and closed Sunday. To call, dial 477-9711, then the extension number.

CUSTOMER SERVICE

For classified ads, to start or stop home delivery or if you missed your paper, call customer service at 472-1PDN (1736) from 5:30 a.m. to 6 p.m. Mon-

day to Friday, 5:30 a.m. to 11 a.m. Saturday, 5:30 a.m. to 11:30 a.m. Sunday, calls only. Subscription rates on Page 6.

NEWS

News tip hot line: 475-NEWS
News fax: 477-3079
News e-mail: news@guampdn.com
Web site: www.guampdn.com
General newsroom: ext. 404

Advertising editor: Rick Limtiaco
Limtiaco, ext. 400, limtiaco@guampdn.com
Classifieds: ext. 404, classifieds@guampdn.com

OTHER DEPARTMENTS

Publisher: Lee P. Webber, ext. 100, lwebber@guampdn.com
Advertising billing questions: ext. 301
Circulation billing questions: ext. 501
Classified: 472-1PDN
Advertising fax: 477-0359
Salesperson manager: (670) 234-6035; fax: (670) 234-5986

INDEX

Business: ext. 404
Classifieds: ext. 404
Comics/Horoscope: ext. 404

Editorials/letters	32, 33
Islandstyle	60
Lifestyle	34
TV	59
Sports	68
Weather	6
World/Nation	18

OBITUARIES, ROSARIES

Index to advertisements	
Rosaries	
Clayton P. N. Mendiola	53
Jose B. Benciente	53
Joyce Benciente	53
Edwin T. Acuña	55

Perla Maria M. A. Mendiola	55
Message of appreciation	
Mercades G. Santos	55
Death notices	
Ester M. Quinlanilla	52
Hospicio P. Pasqua	52
Donald A. Kidd Jr.	53
Bernadette B. Reyes	53
Maria D. Paraz	53
Mariquita C. Sternagle	54
Eduardo S. Pacheco	55
To place a paid obituary, rosary or memorial, call 477-9711, ext. 219. For advertising rates, call 477-9711, ext. 404.	

Case 1:04-cv-00046

Document 37-7

Filed 11/23/2004

Page 8 of 22

Marianas Variety

Vol. 01 No. 21
©2004 Marianas Variety

Friday • October 29, 2004

www.mvariety.com
Serving the Marianas for 32 Years

50¢

Special election on Prop A sought

By Mar-Vic Cagurangan
Variety News Staff

THE Citizens for Economic Diversity and the Attorney General's Office yesterday

Halloween fever on Guam

By Trina A San Agustin
Variety News Staff

A HANDFUL of last minute Halloween shoppers were told to wait outside the Dungeon's main doors in Barrigada as the store did not want to exceed the fire marshals maximum capacity for the establishment.

"Halloween is on Sunday this year. Are you ready?" signs read through out the store, reminding shoppers of the day the holiday fell on. People could be seen trying on capes and wigs to complete their brave costumes in the middle of aisles.

Each year, the Dungeon supplies island residents with a wide variety of costumes for men, women, teens, children and infants, not to mention, mans four legged friends the specialty store sells out of most of its costumes and accessories the day before Halloween.

The check-out line stretched from the front of the store all the way though the back aisles: One last minute shopper Nicole Lizama, 21, of Mangilao, said she stood in line for 20-minutes to buy some items for her child.

"We do this every year," Lizama said. "We've been coming here for the past four days, everyday after work. Tonight we came for just the last minute stuff," she added.

But today Halloween isn't just for kids. Adults can be seen rummaging through costumes to prepare for Saturday night's over 18 parties. Several radio stations and beer companies are throwing parties that allow "adults only" costumes.

Antonio Abuda, 22, of Dededo, will be dressing up in a dark cloak and mask and will be mingling with the adult crowd in Tumon tomorrow night.

"I couldn't figure out what I wanted to be this year, so I made

Continued on page 2

linked up to ask the federal court to stop the Nov. 2 casino plebiscite, saying that the amendatory bill signed by Gov. Felix P. Camacho was not the answer to the legal crisis confronting the Prop A vote.

Superior Court Judge Katherine Maraman agreed yesterday to take her hands off CFED's lawsuit following the AGO's decision to transfer the case to the U.S. District Court.

In a meeting with Prop A supporters yesterday, CFED consultant Jay Merrill said stopping the Nov. 2 plebiscite and seeking a special election was the best alternative to a process that might only be challenged later.

"This is the only way we can make sure that the law that we

brought before the people is voted on in a fair and untainted election. That can only happen if we have a special election," Merrill said.

In a joint petition for preliminary action, CFED's legal counsel Thomas Roberts and Attorney General Douglas Moylan asked the district court to stop

the Guam Election Commission from counting, tabulating and certifying the result of Tuesday's Prop A vote.

Gov. Felix P. Camacho rebuked Moylan for acting on behalf of the governor's office.

"I never told the attorney general that he could act on my behalf to stop Guam voters from

casting their votes," Camacho said in a press statement. "The attorney general is trying to be the lawyer, the client and the judge."

The governor maintained that Prop A should be resolved by the voters at the ballot box. "Any challenges to that election must

Continued on page 2

GVB wins awards in Korea travel fair

By Gerardo R. Partido
Variety News Staff

THE Guam Visitors Bureau took home two awards from the recently concluded Busan International Travel Fair 2004.

The GVB delegation, which included a group of cultural dancers that promoted Guam, were awarded the "Best Tourism Pub-

licity" award and the "Best Folklore and Cultural Presentation" award.

The awards were presented by the Busan Tourism Association and by Huh Nam Sik, mayor of Busan Metropolitan City.

GVB's participation in the travel fair was part of a "Guam Road Show" in Korea that cov-

ered Seoul and the southern cities of Busan and Daegu.

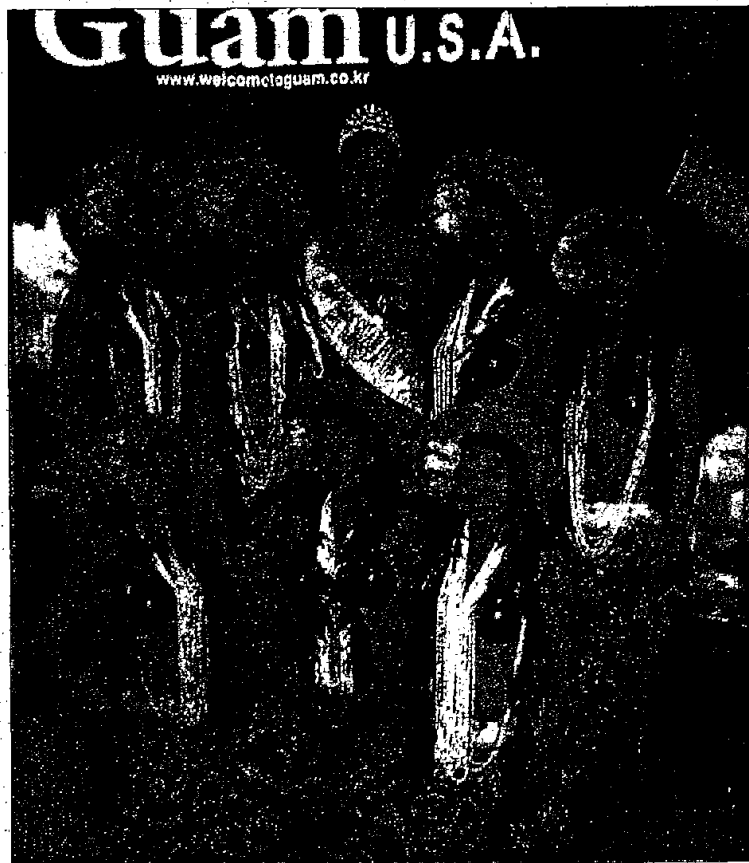
The promotional delegation targeted key Korean travel agents to ramp up interest in selling Guam to their outbound vacationers ahead of Korean Airlines' new direct flight service from Busan to Guam starting December.

"We wanted to stir up the interest of travelers from Korea's second and third largest urban centers, Busan and Daegu, in advance of the direct air service that Korean Air is operating this December," said GVB deputy general manager Ernie Galito who led the Guam delegation.

Korean Air will launch the new route service from Busan starting Dec. 31, 2004 through Feb. 11, 2005 with three flights a week, using Airbus 300 aircraft which has a 266-seat capacity.

"Busan is Korea's second largest city and they have a large outbound travel market. That's

Continued on page 2



Miss Guam Tourism 1st runner-up Jessica Ignacio and the GVB cultural dancers pose for this official photo behind the Guam booth in the recently concluded Busan International Travel Fair 2004.

Contributed photo

Inside:

- Dive into the water p. 4
- Quinlan turns table p. 7
- Victor sees robust p. 11
- Japanese toddler rescued p. 14
- Scientists find prehistoric p. 19

FREE + **Share unlimited** + **cellular** + **walkie talkie** minutes

CONNECT
IMITATED...NEVER EQUALED

Special...

Continued from page 1

be decided by the courts of Guam and not the attorney general," Camacho said.

Moylan was the one who blew the whistle on GEC's failure to comply with the mailing requirements of the casino information pamphlet.

He objected to the Legislature's and the governor's decision to enact Bill 374 that waived the pamphlet requirements, saying the measure was not passed through the proper process.

At yesterday's press conference, Merrill said Bill 374 "did nothing to change the fact that this vote is going to be tainted."

He said he had asked the Com-

munity Against Prop A to join CFED in its court action, but COPA declined.

"Our aim was not to take advantage of the situation but to make sure that the people get a fair vote," Merrill said. "If we didn't file in court to attempt to enjoin this election, we would have lost our chance because, by law, unless you file before the election occurs, we don't have the right to challenge the election afterward."

"The AG will vacate the election result regardless of whether we win or lose. If we win on Tuesday, we still our going to pursue a special election," Merrill said.

GVB...

Continued from page 1

why Korean Airlines feels that it can sell seats on that new route," Galito said.

The 19 charter flights during this winter period will add 5,054 seats from Korea to Guam. Korea is Guam's second largest visitor market behind Japan, with Korean visitor arrivals on Guam this year numbering 66,486 as of Sept. 6, 2004.

GVB's marketing campaign for this new air service is a four-part program that included the

roadshow, a familiarization tour of Guam by travel agents in early October, the Guam promotion at the Busan International Travel Fair in late October and a travel agent support program to encourage sales of Guam packages.

The GVB team presented Guam as a destination to travel agents at seminars in each city. The delegation also hosted dinners and lunch for the senior executives of the travel agencies.

Halloween...

Continued from page 1

says stopped by the store early so I could get this stuff on what ever would be cool this Halloween," Abuda said.

Safety Tips

The Department of Public Works and the Department of Public Health and Social Services have issued notices on trick-or-treating safety tips.

DPHSS advises parents to purchase costumes that have "Flame Resistant" labels on them. Costumes should also be bright and clearly visible to motorists. It is recommended that children wearing dark costumes either carry a flashlight or wear reflective tape.

DPW advises motorists to stay alert on Sunday while driving through villages and on main roads. Trick-or-treaters may be excited and may forget to stop and look both ways before crossing the street.

The Guam Memorial Hospital will open their radiology department to allow parents and guardians the opportunity to ensure their child's treats are safe to eat by x-raying the treats for free. The radiology department will open from 6 p.m. to 9 p.m. on Sunday.

History of Halloween

The origin of Halloween dates as far back as 2,000 years ago, to the ancient Celts. The Celts celebrated their new year on Nov. 1, and Oct. 31 marked the end of summer, the end of the harvest and the marked the beginning of winter, which was associated with human death, according to the History Channel's web page.

The night before the new year, Oct. 31, the boundary between the living and the dead became blurred. On that night, the Celts celebrated Samhain, when it was believed that the ghosts of the dead returned to earth.

The Romans in A.D. 43 conquered a majority of Celtic territory and in the course of the 400 years they ruled, two festivals of Roman origin were combined with the traditional Celtic celebration of Samhain.

The first was Feralia, a day in late October when the Romans traditionally commemorated the passing of the dead. The second was a day to honor Pomona, the Roman goddess of fruit and trees.

Then in the 800s, the influence of Christianity spread into Celtic lands. In the seventh century, the Catholic Church designated Nov. 1 as All Saints' Day, a time to honor saints and martyrs, according to the History Channel.

It is believed today that the church was attempting to replace the Celtic festival of the dead with a related, but church-sanctioned holiday. The celebration was also called All-hallows or All-Hallowmas and the night before it, the night of Samhain, began to be called All-hallows Eve and, eventually, Halloween.

In early A.D. 1000, the church moved All Souls' Day to Nov. 2, which is a day to honor the dead. It was celebrated similarly to Samhain, with big bonfires, parades, and dressing up in costumes as saints, angels, and devils.



Members of the GVB delegation pose for this souvenir photo after one of the official dinners participated in by the group while in Korea. Contributed photo

Only 6 new foreign investors in NMI

By Haldea V. Eugenio
Variety News Staff

SAIPAN — The Babauta administration may have to work harder to lure more foreign investors, as latest data from the Department of Commerce showed only six new holders of long-term business certificates from January to June this year.

Each of these foreign-owned businesses has an investment of at least \$150,000 in the CNMI, and has a \$25,000 bond as security deposit.

Charlette Borja, foreign investment specialist at Commerce, expressed optimism that the projected total number of new investors by the end of the year, will exceed last year's 14.

"In fact, as of the third quarter alone, we already exceeded 14 and that should be good news," Borja told Variety yesterday.

Based on historical data though, the projected number of new foreign investors with long-term business certificates for 2004, will still pale in comparison to the 141 and 173, recorded during the peak years of 1996 and 1997, respectively.

The long-term certificate issued by Commerce is initially valid for up to two years.

It allows foreign business owners and dependents under the age of 21 to enter and exit the CNMI freely, as long as the certificate is valid.

Skeptical

Efrain F. Camacho, a businessman and former president of the Saipan Chamber of Commerce, expressed skepticism over the number of new foreign investors.

He said it is not surprising that the numbers are still far lower than they used to.

"I'm also skeptical about the only few that have come in.... There has not been a change in the economic environment here that is conducive to investors. It's a daunting task for investors to come in because we are not stable here," he said.

Camacho, president of EFC Engineers & Architects and a staunch critic of the Babauta administration, was referring to the budget disagreements, the Legislature's attitude in passing laws today and amending them tomorrow.

"Investors want a stable economic environment," he added.

The Babauta administration has named about 20 prospective foreign investors who want to come into the CNMI as a result of the Sept. 23 and 24 investment conference in California.

Camacho said, "I hope there will be fruits of the government's labor. But was there anything that came out of the government spending on the Rose Bowl parade, for example, or the first (investment) conference?"

He added that serious and quality investors generally maintain a low-key profile, and spend considerable time and effort researching about their prospective place of investment.

"They want to keep matters confidential for the time being," he added.

39% projected rise

Commerce Secretary Andrew Salas, in an earlier interview, said there have to be changes and more aggressiveness in the way Commerce entices foreign businesses to invest in the CNMI.

Salas, whose nomination awaits Senate confirmation, said he has been helping prospective

investors and current applicants.

Commerce projects close to a 39-percent increase in the number of new and existing foreign investors renewing their permit by the end of 2004.

From a historic low of 245 new and renewal permits in 2003, the number is projected to go up to 340 by year's end.

But this projected number still pales in comparison to most of previous years' figures on the total number of foreign investors with long-term business certificates in the CNMI ranging from 348 to an all-time high of 526 in 1995.

In the first half of the year, Commerce reported 166 renewals, and six new foreign investors for a total of 172.

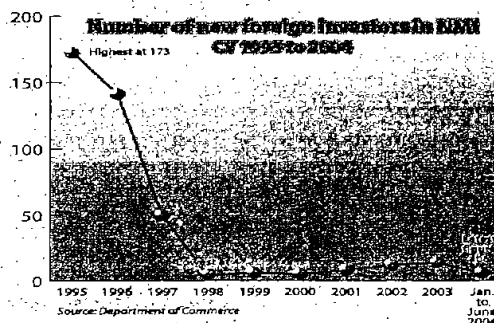
In 2003 alone, 48 percent of the new and renewal investors in the CNMI were Koreans, followed by Chinese.

The rest were from the Philippines, Japan, United Kingdom and other countries.

Majority of the investors in the CNMI are into retail business, and the rest are into wholesale, manufacturing, catering and construction, among other industries.

In 1997, the number of new foreign investors in the CNMI only reached 50 due to the effects of the Asian economic crisis.

The succeeding years were far worse: An all-time low of four in 1998, six in 1999, five in 2000, eight in 2001, 12 in 2002, and 14 in 2003.



Pacific Daily News

A Gannett Newspaper

©2004 Guam Publications, Inc.

Hafa Adai, It's Saturday

guampdn.com

75¢ on Guam

VOL. 35 NO. 273 HAGATNA, GUAM, OCTOBER 30, 2004

Guam PDN.com
Pacific Daily News
GUAM'S ONLINE SOURCE

Don't forget to vote today!
Pacific Daily News took to the streets to report on the election.
What would you give to see our public school system? Ratings from yesterday's News are on page 2.

The QUEST to QUIT
by Duane M. George

Hanging in there

Since going "cold turkey" on Monday, Duane M. George has gone without lighting a cigarette for almost a week. It hasn't been as rough as what the PDN editorial editor thought it would be. But the challenges are still there.

▲ See story, Page 24

Dream Team

The 2004 All-Island team is featured in today's special IFL insert.

▲ See insert



Inside

- ▲ RP government condemns abduction of diplomat
- ▲ EU leaders to sign constitution

Page 14

Toddler hit by SUV

By Oyaol Ngirairikl

Pacific Daily News

ongirairikl@guampdn.com

A 1-year-old boy was pronounced dead shortly after 11 a.m. yesterday after he was struck by a vehicle in a residential area.

Jeremian K. Simina is the island's 14th traffic fatality.

A Guam Police Department official said a 2000

TO THE POINT

▲ The island sees its 14th traffic fatality for 2004 as a 1-year-old boy was struck by a vehicle yesterday.

Ford Explorer apparently struck the toddler near a residential area. The male driver may be related to the

victim but police have not determined the relationship.

"At 10:20 a.m. (yesterday) the Hagåtña precinct responded to an auto-pedestrian accident at Chalan Abas in Chalan Pago," said Sgt. Steven Ignacio, officer in charge of the Guam Police Department Highway Patrol Division.

Ignacio said the Ford Explorer had reversed from the

driveway of a Chalan Pago residence where a group of kids were playing.

The victim had been a part of the group, but as the vehicle started to drive forward, "the victim apparently ran in front of the vehicle," Ignacio said.

The victim was transported to Naval Hospital

▲ See Fatality, Page 4



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Press conference: Guam Police Department acting Chief Frank Ishizaki and his wife, Sharon Ishizaki, embrace after making emotional speeches as police

Capt. Paul Suba, left, speaks during a press conference yesterday at the Tamuning/Tumon precinct.

Acting GPD chief defends name

By Theresa Merto

Pacific Daily News
tmerto@guampdn.com

Acting police Chief Frank Ishizaki yesterday defended himself against what he said is a "slanted" polygraph report and said he holds the legislative oversight chairman solely responsible for its unauthorized release to a news organization.

Sen. John Quinata, however, maintains he did not release the report and said this is a political play, "maneu-

TO THE POINT

▲ The acting police chief responds to information contained in the polygraph report that was leaked to the media Thursday.

vered" by Republicans to get him out of the Legislature. However, the Republican minority leader denies any conspiracy to hurt Quinata's chances in the election.

ON THE NET

▲ For excerpts from acting police Chief Frank Ishizaki's polygraph examination report and his responses to the items mentioned in the report, visit www.guampdn.com.

The issue surrounding Ishizaki's confirmation de-

lay was at the forefront this week after dozens of Guam Police Department officers met with senators Monday expressing concerns; Gov. Felix Camacho made it the focus of his weekly radio address; and an anonymous source released Ishizaki's confidential polygraph report to KUAM.

During a two-hour press conference yesterday at the Tamuning/Tumon precinct, Ishizaki explained his side of

▲ See Police, Page 4

Judge says votes on Prop A will count

By Steve Limtiaco

Pacific Daily News

slimtiaco@guampdn.com

A federal judge yesterday rejected a proposed agreement between casino supporters and the attorney general's office that would have stopped the casino election on Nov. 2.

The election for Proposal A, the casino gaming initiative, will happen during the General Election as planned, District Court Judge Alex Munson ruled yesterday, stating that it would cause more harm than good to stop it.

▲ See Prop A, Page 4

TO THE POINT

▲ A federal judge yesterday decided that votes on the controversial Proposal A will count, but left it open to legal challenge after the election — an opportunity the pro-gaming group said they'll take.

Education evaluated

The Department of Education has posted report cards that evaluate the performance of the public schools and the department. Unfortunately, many of the schools rated low because of a variety of reasons, including low test scores, annual dropout rates and low rate of employee attendance.

▲ See story, Page 3

Be safe on Halloween

Halloween is tomorrow, and there are a number of safety tips from three mothers of what parents and their children should be aware, especially with regard to what to wear, what's safe to eat, and what to do when Halloween candy is suspect.

▲ See story, Page 2

LOCAL

Police: Public hearing set

▲ Continued from Page 1

the story of what was on the confidential polygraph report. As part of the confirmation process for police chief, Ishizaki had to take a polygraph test.

In the test conducted by Hawaii-based Edward Clarke & Associates, several issues were raised regarding Ishizaki's employment with the Federal Bureau of Investigation.

"I had hoped to keep the report confidential until my testimony is presented before the Legislature as there are laws and rules which govern legislative decorum, polygraph testing and privacy matters," Ishizaki said. "It seems, however, that I am the only one who is playing by the rules. Unfortunately, the flawed report leaked and I must now play catch-up to defend my name and reputation."

Ishizaki said after the press conference that if he can confirm and prove who released the report, he is leaving the door open in pursuing any legal action against that person. "It will surface eventually, and we'll see what we can do," Ishizaki said. "Right now, we are just trying to get a hold of our lives. This whole process has been very demanding on us."

'Flawed report'

The report stated the FBI may have suspected Ishizaki was giving away information to the Chinese, but he denied that. Ishizaki yesterday said that he was not a spy and every FBI agent who worked out of the Los Angeles office was interviewed.

The report said Ishizaki didn't want to discuss the incident any further as the FBI may still have an interest in it. Ishizaki, however, said he could not discuss it further because of confidentiality and non-disclosure rules imposed by the Department of Justice of all agents, whether active duty or retired.

Ishizaki also gave explanations on other issues that were brought up in the report including an accusation he stole hundreds of dollars worth of government prop-

erty while in the FBI. Ishizaki, however, contends all of the items in question were issued to him and said they were not stolen.

"I must admit that when I read through that seriously inaccurate and flawed report the first time, I was appalled and shocked," Ishizaki said. "After I picked myself up off the floor, I realized that if someone was to read the report without having known me professionally or personally, one could come away with the impression that I am not only a fraud and a thief but a spy against America as well."

Ishizaki said he holds Quinata, D-Talofoto, solely responsible for the release of the documents and questioned why the reports were released to senators knowing somebody was "going to give it out." Quinata is the oversight chairman of the police department and had given copies of the confidential polygraph test results to senators earlier this week.

"I now find myself in the unenviable position of having to defend myself against careless words that a sloppy note-taker and incompetent report writer set to paper several months after the actual date of the exam," Ishizaki said.

Ishizaki said the exam was conducted in May but the report was completed three and a half months later. He further said the examiner, Edward Clarke, did not follow the American Polygraph Association recommendation to record the interview session.

"Now I am faced with the daunting task of having to deal with an impossible 'he said/he said' scenario," Ishizaki said.

Ishizaki said Quinata negatively influenced the polygraph examiner by suggesting that something was not quite "kosher" about the de-

tails regarding his departure from the FBI and if he probed deep enough that he would find something.

The acting police chief, however, said he met the eligibility requirements for retirement in November 1999, and a requirement for an FBI special agent is 20 years of service at age 50.

"I wasn't even given the benefit of the doubt. I can only surmise that I am being used as a political pawn," Ishizaki said. "I am an honorable man. Have you no shame?"

'Sacrificial lamb'

Quinata maintains he was not involved with the polygraph test and the only reason why his staff asked the polygraph examiner to question Ishizaki about his early retirement was based on an anonymous call. Quinata said his office received more than one anonymous call telling them to check into why Ishizaki retired early.

Quinata also emphasized yesterday that his office did not leak the report to the media and pointed out that others had a copy of it as well. He said each senator received one copy of the report this week and each page of the report was stamped "confidential."

"In getting ready for (Ishizaki's) confirmation hearing next Thursday, I gave it to the senators and made sure that they kept it confidential. I wanted to make sure that we protect the privacy of Mr. Ishizaki," Quinata said.

"Because of all the attention that it has gotten, I gave the senators the report so they can prepare themselves in case they want to prepare their own questions and so forth."

He said the governor's office, Guam Police Department and Ishizaki also had a copy of the report before the

senators received a copy this week.

"Whoever is behind all this is using Ishizaki as a sacrificial lamb. They are not only trying to damage me ... but also Ishizaki, and I don't know if he realizes that that's what's happening," Quinata said.

Quinata said the events this week surrounding Ishizaki were "orchestrated" to get a Republican majority in the Legislature.

Although he did not name anyone in particular behind the leak of the report, he believes it is politically motivated.

"I won't say (it's) the candidates, but it's definitely part of the Republican ploy to try and garner the majority again," Quinata said.

"This is the reason why I didn't want to come out in public on this because this is what's going to happen. All these things are going to get blown out of proportion."

Sen. Mark Forbes, R-Sinajana, who is the minority leader, said that he is unaware of any conspiracy to get Quinata out of the Legislature.

"I think it's unfortunate that Sen. Quinata is now attacking others, especially when he is doing so with absolutely no substantiation," Forbes said.

"In summary, the best thing that can happen now is to stop talking about politics and start talking about doing what needs to be done in a fair and expeditious manner which is all that anyone has ever asked for. I think we owe this to the people of Guam, we owe this to the Guam Police Department, and we owe this to Mr. Ishizaki and his family. We need to bring this to closure."

Both Quinata and Forbes are up for re-election this year.

Meanwhile, Quinata's committee is prepping on a public hearing for Ishizaki scheduled for Thursday, and the senator said he hopes to meet with the acting chief before then.

"I am trying to meet jointly with him so we can come out and say 'We are being used,' for somebody's political gain," Quinata said.

Prop A: Validity of initiative vulnerable

▲ Continued from Page 1

But the legal battle over the casino election results likely will continue soon after the General Election is over.

Citizens for Economic Diversity, which sponsored the initiative to legalize casino gambling, this week vowed to pursue a special election for the measure, regardless of the General Election results.

Munson's ruling is disappointing, said Jay Merrill, a consultant for the group, but it will not change the group's plans to seek another vote.

Merrill and CFED campaign coordinator Lou Aguiar-Schulte filed separate lawsuits against the government this month, asking the court to stop the casino election and to hold a special election on the proposal at least 60 days from now. The lawsuits were filed after the Guam Election Commission did not mail the entire text of the 80-page initiative to voters and after the attorney general's office announced that the casino vote will be invalid as a result.

"The election is still tainted, it's still clouded. It's just that instead of stopping the election beforehand, the courts will rule on it after (the election is) completed," Merrill said yesterday.

Munson, in his ruling, noted that Merrill and Aguiar-Schulte still will be able to go to court to test the validity of Proposal A and "possibly compel the government to conduct another election."

Attorney General Douglas Moylan yesterday restated his position that the election results will not be valid.

When asked whether his office will challenge the casino election results, Moylan said that depends on whether the courts allow his office to continue to represent the government in the matter. The governor, the Guam Legislature and the Guam Election Commission have objected to the attorney general's attempts to handle the case on their behalf.

Munson, in his order, said it seemed "inappropriate" to sign off on the agreement to stop the election since it appears the attorney general's office, which signed the agreement, "may not be the government's counsel."

Moylan said he is not surprised that Munson rejected the agreement because lawmakers and the governor changed the election law after the agreement was signed and before Munson issued his ruling.

The new law, signed Wednesday, states that the casino election will happen Tuesday, even if ballot pamphlets were flawed, and the election results will be valid.

Voters have received enough information by now to make an informed decision on the gaming proposal, said Merizo resident Carmen Tenorio, 43, who is one of nearly 700 Guam residents

DECISION

What U.S. District Court Judge Alex Munson said:

▲ "Staying (the election challenge) pending the Nov. 2, 2004, election results will also be in the public interest. This is a matter of deep public concern. Much time, money and effort has been put into this election by all citizens on both sides of the issue. It is always in the public interest for the citizenry to have their say on an important matter such as Proposal A."

▲ "The balance of harm weighs in favor of ... staying (the election challenge) pending Nov. 2, 2004, election results. If Proposal A passes, then this whole action becomes moot. If Proposal A fails, plaintiff (Jay Merrill and Lou Aguiar-Schulte) still has an opportunity to test the lawfulness of Proposal A's electoral process. If the process is lawful, then Guam saves the expense of conducting another election."

Court orders signed yesterday by Munson for CV-04-00045 and CV-04-00046

who voted early at the Election Commission office.

She said there already has been a lot of public discussion about the issue.

"It's just a waste of money" to mail the entire text of the initiative to voters, she said.

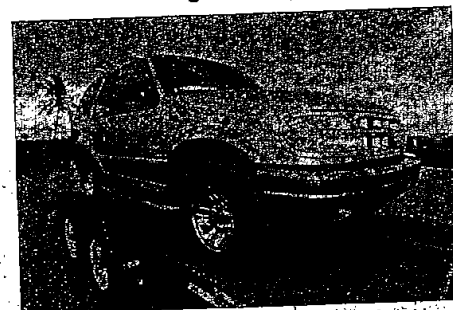
James Nichols, 29, of Yigo recently returned to the island and said he has heard little about the casino initiative, although he is considering voting yes. The Election Commission yesterday confirmed his eligibility to vote on Tuesday.

"I think information is good, depending on the source of it," Nichols said. "I think if (the Election Commission) has a responsibility to give information, to disseminate it, hopefully they were competent about it."

Jay Arriola, a spokesman for Communities Opposing Prop A, said the group is pleased by the order.

"We believe, as apparently the judge has, that the efforts by the Legislature and governor to remedy the problem are sufficient," Arriola said. "What happens afterwards, happens afterwards, but it is certainly heartening to see the judge recognize that all the problems that they claim taint the election may not well be problems at all."

Election Commission legal counsel Cesar Cabot also stated support for Munson's ruling. "We're obviously pleased with the results (by) Judge Munson. We thought that he called it correctly, and it validates what we've been thinking all along, that the vote should go through. That is a valid question," Cabot said.



Masako Wakanahe/Pacific Daily News/

Fatality: Speed, alcohol not factors

▲ Continued from Page 1

where he was pronounced dead at 11:02 a.m.

Ignacio said Highway Patrol had been activated and responded to the scene. Police are investigating the incident and have ruled out

Accident: The Ford Explorer involved in a fatal accident in Chalan Pago sits in a Guam Police Department lot in Tiyan yesterday.

speed and alcohol as factors.

Watch out for trick-or-treaters

Ignacio added a word of caution to parents and drivers to be especially careful this weekend as hundreds of children will be out on roads for Halloween.

"We strongly advise parents to provide shoes and clothing that reflect lighting, carry light sticks or flashlights. That way drivers can see them on the road," Ignacio said.

Pacific Sunday News

A Gazette Newspaper

©2004 Guam Publications, Inc.

guampdn.com \$1 on Guam

35 NO. 274 HAGATÑA, GUAM, OCTOBER 31, 2004

HAGA ADAI

9 submarines possible

By Frank Oliveri

PDN Washington bureau

WASHINGTON — U.S. Navy officials are debating whether it is time to base more attack submarines in the Pacific, including Guam, where tension, potential terrorism and economic growth are on the rise.

Rear Adm. Joseph Walsh, director of the Navy's Submarine Warfare Division, said the U.S. military is looking to increase its capabilities

TO THE POINT
▲ It may be more than a year, but the Navy will decide whether to add about nine to 11 attack submarines to Guam's current fleet of three.

in the Asia-Pacific region and the demand for attack submarines appears to be greatest there.

"There is a growing economic

shift of importance toward the Pacific," Walsh said. "Many countries in the Pacific are growing economically and growing militarily."

The Navy is conducting an internal study in which between nine and 11 attack submarines potentially would be stationed off Guam, including the three already based there. But a final decision is not expected for more than a year, Walsh said.

If the Navy were to choose that course, the effects in the region would be significant.

▲ Guam would require housing, hospital, sewer and water and road upgrades to accommodate more than 1,000 sailors and their families. Each submarine has a crew of about 150.

▲ The Pearl Harbor Naval Shipyard on Hawaii also may require

▲ See Navy, Page 3

Orbos visits Yigo parish

Celebrity Filipino priest Father Jerry Orbos captured the hearts of local residents

through his charismatic delivery of humorous anecdotes and reflections on his beliefs and life. Orbos said his method of preaching comes from his belief that Jesus Christ also was a man of good humor. Proceeds from his book sales go toward assisting Filipino missionaries.



Pumpkins personified

Agana Heights Elementary School students let their creative pumpkin juices flow in their annual literary pumpkin-decorating contest. Students were asked to recreate their favorite character or scene from their favorite book. A full list of the winners, including mayors' favorites and best fantasy character, are also listed inside.

▲ See story, Page 4

Girl Scouts make waves in Tumon



Masako Watanabe/Pacific Sunday News/mwatanabe@guampdn.com

Water activity: Reigha Barone, 7, center, of Girl Scout Troop 036 and other girl scouts dance to the YMCA song at Pacific Islands Club in Tumon yesterday. About 300 girl scouts participated in the Guam Girl Scouts' annual fall kick-off event. The girl scouts learned about water safety and enjoyed activities during the event to kick off the new program year.

Proposal A tops voters' concerns

By Natalie J. Quinata

Pacific Sunday News
nquinata@guampdn.com

As local voters prepare for this year's General Election on Tuesday, the main issue of concern is the heavily controversial Proposal A, the initiative to legalize casino gambling.

When some residents were

asked yesterday what issue, priority or concern comes to mind before they head to the polls this Tuesday, the answer was a resounding, "Prop A."

The issue has prompted several legal concerns just within the past month, involving a myriad of people including the island's first elected attorney general, the Guam Election Commission, several legal counsels, the

TO THE POINT
▲ The General Election is around the corner, and the predominant issue on some voters' minds is the controversial Proposal A.

27th Guam Legislature, and last but not least, the two groups for and against the proposal.

Attorney General Douglas

Moylan and casino gambling supporters made a proposed agreement to stop the election after the Guam Election Commission failed to mail out the 80-page proposal to all registered voters on Guam. Both have said the election has been tainted as a result.

But on Friday, U.S. District Court Judge Alex Munson rejected the proposed

▲ See Election, Page 3

Guam PDN.com
Pacific Daily News
Guam Publications, Inc.

Don't forget to vote in the November 2nd election.

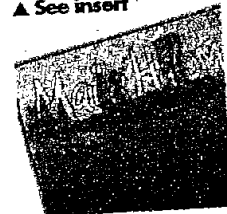
you could be the only one legislative candidate for whom you vote?

Result: The voters of Guam have elected a new Governor.

island living

Malia' Håkom! The Pacific Daily News' annual guide to living on Guam is in today's paper. It's a great resource for those already living here, as well as for those planning to move to the island.

▲ See insert



Dare to dream

Amber Mendiola was born with a rare heart disease that has caused her to undergo numerous operations since she was 3. But that hasn't stopped her from pursuing her dream.

▲ See story, Page 23

Inside

▲ Bin Laden explains attacks

Page 12

Agana Shopping Center

ACHS

Register on Sat. Nov. 6 & Sun. Nov. 7
from 10am - 4pm.
Raffle Drawing at 4:15 pm on Sun. Nov. 7
You must be present to win.

Election: Gaming initiative dwarfs senatorial race

▲ Continued from Page 1

greement and said that the election results on Tuesday will be valid.

However, it is more than likely that legal battles over Proposal A will continue well after the election, with Amson leaving the possibility open and pro-gaming group Citizens for Economic Diversity promising legal challenge in court, no matter what the results.

Kevin Manibusan, 31, of Jhalan Pago, who's undecided on how he will vote in Prop A, said the possible legal battles would be a waste of money.

"It would be a waste of time to go through all that hassle," Manibusan said. "But if the people vote for it, they should just let it be. It's the people's choice."

Some voters, despite the arguments that voters may or may not be informed enough on the proposal, have already made up their mind.

Madrid Leon Guerrero, a student at the University of Guam, thinks that casino gambling may actually be good for the island, but feels that the way the proposal is currently written won't be beneficial to the island.

"I just don't think it's realistic yet," Leon Guerrero said. "I think they should rework it and bring it back next election," she said.

Danny Gascon, 67, of Dededo also isn't too thrilled about the idea of casino gambling because he worries about organized crime and government corruption, and how it will affect the community.

Gascon simply stated, "I'm not voting for Prop A, it won't be good for us."

Other voters, like Jeanette Pekich of Tamuning, whose only con-



Masako Watanabe/Pacific Sunday News/
mwatanabe@guampdn.com

Voter: Madrid Leon Guerrero holds her nephew, Kazuo Rengil, 5, at the Micronesia Mall yesterday. Although she's against Proposal A now, she would consider a reworked proposal brought up in a future election.

cern in this election is Proposal A, welcome the idea of casino gambling.

"I'm all for it," she said. "I think Guam could use the economy boost."

Pekich's only reservation on the issue is a matter of control.

"I just hope the government keeps its promise and keeps (the gambling) under control," Pekich said.

The upcoming election has the senatorial race taking the back seat to the casino surrounding casino

gambling, although most senators have participated in local forums, informing voters of their views and plans for the future.

Gascon, who said he's pleased with the performance of the current legislature, said that he wasn't too interested in the race, but was happy that some candidates were from the medical profession.

"Maybe with people like (Dr. Noel Silan) in office, they can do something about the health care," Gascon said.

VOTING AT THE POLLS

Voting polls for the Nov. 2 General Election will open at 7 a.m. and close at 8 p.m. Upon arriving at your designated polling site, the precinct official will ask you for your name and a signed photo-identification card. Your name will be repeated aloud for the poll watchers to take notice. If there are no challenges to your voting, your name will be crossed out on the Original Voter Signature Roster. If challenged, follow the instructions of the precinct officials. A new federal law allows you to cast a "provisional ballot" even if election officials believe you are ineligible to vote. The Election Commission will review provisional ballots later to determine whether they should be counted. You will then be issued the appropriate ballot(s), given instructions on how to vote, and directed to the privacy of the voting booth.

PAPER BALLOTS

Make your selection by marking on the appropriate oval. Do not make any other marks on the ballots. When completed, take your ballot(s) and drop it in the appropriate ballot box face down.

ELECTRONIC BALLOTS

A poll worker will insert a cartridge into the electronic touch-screen voting machine to load a new ballot. If you have a sight disability, ask for a pair of headphones so the machine can read the ballot to you. Follow the instructions on the screen. Touch a candidate's name to choose that person, or touch it again to cancel your choice. The machine will not allow you to vote for more candidates than there are seats. After you have seen all of the screens and are satisfied with your choices press

the red "vote" button at the top of the machine's frame to cast your ballot. Leave the polling place quickly and quietly. Do not loiter, and do not engage in extraneous conversation with anyone.

POLLING SITES

Designated polling sites:

- ▲ Hagåtña: Guam Legislature Building
- ▲ Asan-Maina: Community center
- ▲ Piti: Jose L.G. Rios Middle School
- ▲ Agat: Oceanview Middle School
- ▲ Santa Rita: Harry S. Truman Elementary School
- ▲ Umatac: F.Q. Sanchez Elementary School
- ▲ Merizo: Merizo Martyrs Memorial School
- ▲ Inarajan: Inarajan Middle School
- ▲ Talofofo: Talofofo Elementary School
- ▲ Yona: M.U. Lujan Elementary School
- ▲ Chalan Pago-Ordot: Ordot-Chalan Pago Elementary School
- ▲ Sinajana: Sinajana Community Center
- ▲ Agaña Heights: Agaña Heights Elementary School
- ▲ Mongmong-Toto-Maite: J.Q. San Miguel Elementary School
- ▲ Barigada: Untalan Middle School
- ▲ Mangilao: Price Elementary School
- ▲ Tamuning: John F. Kennedy High School
- ▲ Dededo: Wettengel Elementary School, M.A. Uloa Elementary School, Astumbo Elementary School
- ▲ Yigo: Simon Sanchez High School

HOSPITALIZED VOTERS

If you are hospitalized on Nov. 2, Election Day, you may request to vote by Absentee

Ballot. Contact the Guam Election Commission's Office at 477-9791/2/3 as early as possible.

ELECTION HEADQUARTERS

The Guam Election Commission's main office serves as the election headquarters from 7 a.m. to 8 p.m. on Election Day. The main office is located on the second floor suite 200, GCIC Building, 414 West Soledad Ave., Hagåtña. The telephone numbers are 477-9791/2/3.

TIME OFF

Every voter is entitled to absent himself from his place of employment for two consecutive hours between the time of opening and time of closing the polls for voting purposes. The voter shall not be penalized nor shall any deductions be made from his usual salary or wages because of such absence.

RULES

- ▲ Every person who willfully causes, procures or allows himself or any person to be registered as a voter, knowing himself or that other person not to be entitled to registration, is guilty of a felony criminal act of the third degree.
- ▲ No liquor. No liquor or any alcoholic beverage shall be sold, dispensed or consumed within the polling place while the polls are open.
- ▲ No loitering. No person shall be allowed to socialize or loiter within the polling place.
- ▲ No solicitation of votes. Within 100 feet of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his or her ballot, or on behalf of or against any political candidate.

Guam Election Commission

Navy: Proximity to Asia makes Guam key staging area

▲ Continued from Page 1

expansion. It is one of three Navy shipyards able to perform overhauls of submarines, but currently is at capacity, Walsh said. Pearl Harbor is also the home for 11 attack submarines.

Navy officials and experts said the economic impact on Guam and Hawaii could be significant.

Sailors, for example, pay federal income taxes that would come back to Guam. To staff nine to 11 submarines in Guam, Navy officials said annual salaries for sailors and other personnel would be about \$9 million per boat.

Additionally, sailors buy things such as food, clothing and cars, said Lt. Jon Spiers, a Navy spokesman. Construction dollars also would pour into Hawaii and Guam for road, housing and other infrastructure improvements.

The logistical trail to Guam from

through Hawaii, so any boost for Guam will also benefit our economy," said Rep. Neil Abercrombie, D-Hawaii, a senior member of the House Armed Services Committee. "We provide the platform for command and control, administrative functions, maintenance and other services. That means jobs, construction and more federal investment in Hawaii."

Saving time, distance

Attack submarines perform a number of missions, including stealthy intelligence gathering and surveillance, transporting special operations forces and launching cruise missiles. They also are potent weapons against enemy shipping and submarines.

Walsh said the Navy has balanced its attack submarine force with 27 in the Atlantic Fleet and 27 in the Pacific Fleet. Each fleet typically would provide one subma-

rine to support the commander of U.S. Central Command, which oversees the Middle East and other hot spots.

But recently Walsh said the balance has changed. Atlantic Fleet now provides two submarines to Central Command and operates two submarines in the Pacific to assist there.

"That tells us we need to have this conversation," Walsh said.

Guam is considered a key staging area for submarines because of its proximity to China and Taiwan, North Korea and the Philippines. Being closer to those areas means the submarines spend less time in transit and more time on patrol. It also would enable the Navy to reduce the time crews spend at sea away from their families.

The Navy loses many days of service time when submarines must travel from locations in the western Pacific thousands of miles back to

Pearl Harbor or San Diego, said Ron O'Rourke, a Navy expert at the Congressional Research Service.

Gaining efficiency is important as the Navy tries to align long-range budgets, mission needs and plans to modernize. The Navy, for example, could reduce the overall size of the attack submarine force from a goal of 55 boats, which would help it to pay for new Virginia-class attack submarines. The first Virginia-class sub was delivered last week.

The Congressional Budget Office pointed out earlier this year that if the Navy were to base up to 11 attack submarines on Guam, it would cost about \$200 million in construction to support the move. But the construction cost is less than 10 percent of the cost of one Virginia-class submarine, which is worth \$2.3 billion.

If more attack submarines are based at Guam, the budget office reasoned, then the Navy would

n't need to buy as many of the new subs.

"Guam buys you a lot," said Bob Work, a senior analyst with the Center for Strategic and Budgetary Assessment. "I think what the Navy is trying to figure out is how much do you expand."

Work said Hawaii would need to expand its shipyard because typhoons hit Guam at least once a year, and more maintenance facilities would need to be at Pearl Harbor.

But Walsh said the Navy could take more than a year to make a final decision on how forces will be placed in the Pacific. He said the Navy wants to spend time studying how efficiently the submarines on Guam operate. Running through several deployment cycles should provide a clearer picture, he said.

"Clearly they are more efficient," Walsh said. "But it's hard to tell how much."

District court does not bar CFED from contesting Prop A

By Mar-Vic Cagurangan

Variety News Staff

DESPITE the federal court's decision that gave the government of Guam a go-ahead to push through with the Prop A plebiscite tomorrow, the Citizens for Economic Diversity may still contest the legality of the election process and call for a special election if chooses to, according to District Court Judge Alex Munson.

In a decision handed down Friday, Munson stated that "If Prop A passes, then this whole action becomes moot. If Prop A fails, plaintiff still has an opportunity to test the lawfulness of the Proposal A's electoral process."

At last week's press conference, CFED consultant Jay Merrill said the Attorney General's Office and

his group, intend to ask the court to nullify the Prop A plebiscite after the election, regardless of the result.

"Whether we win or lose, regardless if we win on Tuesday, we are still our going to pursue a special election," Merrill told the press conference.

Munson stated that despite the court's decision to deny the petition stop the plebiscite, Merrill "will still be able to litigate the validity of Proposal A and possibly compel the government another election."

Meanwhile, Jay Arriola, attorney for the anti-casino groups, Citizens Against Prop A and the Lina La Sin Casino, said he was pleased with Munson's order.

"It reaffirms the principle that the government should go forward and that the votes will be counted. We are encouraging the voters to go out and cast their votes," Arriola said.

Munson cited the practicality of allowing the plebiscite to push through tomorrow.

"The balance of harms weigh in favor of not granting an injunction and staying this action pending the Nov. 2 election result," the district judge stated. "If the process is lawful, then Guam saves the expense of conducting another election. If found unlawful, then another election will be conducted."

CFED's lawsuit was heard at the district court on Friday. Munson mentioned the "controversy" surrounding Attorney General Douglas Moylan's representation of the governor's office,

the Legislature and the Guam Election Commission, which were named defendants in the lawsuit. Separate attorneys appeared at the court to represent the defendants.

"It seems highly inappropriate to bind the government of Guam to a stipulation and order where it appears that the AG may not be

the government's counsel. Accordingly, the court will not accept the stipulation," Munson said.

In a press statement, Gov. Felix P. Camacho said he was "pleased that the federal court ruled that the elected AG cannot unilaterally force the government to take action contrary to its position."

Feds designate critical habitat for 3 endangered Guam, NMI species

By Haldeo V. Eugenio

Variety News Staff

SAIPAN — The U.S. Fish and Wildlife Service designated through a ruling a total of 6,409 acres of land as critical habitat for three endangered Mariana Islands species — the Mariana fruit bat, Mariana crow, and the Guam Micronesian kingfisher.

The federal agency completed the Oct. 28 critical habitat designation rule in response to a lawsuit filed by the Mariana Audubon Society and the Center for Biological Diversity.

Critical habitat is a term in the U.S. Endangered Species Act that identifies geographic areas that contain features essential for the conservation of a threatened or endangered species, and may require special management considerations.

Dave Allen, Pacific regional director for the U.S. Fish and Wildlife Service, said the Endangered Species Act allows some flexibility to exclude lands from critical habitat.

"We developed a proposed rule based on existing scientific knowledge; now we have refined it based on biological reasons, exclusions of some military lands provided under an amendment to the Act, conservation benefits and other considerations," said Allen in a three-page statement.

On Rota, a total of 6,033 acres — out of the 6,084 acres originally proposed — are being designated as critical habitat on private and government land.

"The Rota critical habitat is

designated only for the Mariana crow since the fruit bat is not currently a listed species in the CNMI, and the Guam Micronesian kingfisher is native only to the island of Guam," said USFWS.

The final critical habitat on Rota includes 463 acres of private lands, and 5,570 acres of government land under the jurisdiction of the CNMI.

These lands include the Afatung Wildlife Management Area, I Chenchon Bird Sanctuary, and forested areas on public and private lands around the Sabana and Sinapalu plateaus.

They include the known breeding territories of at least 63 Mariana crow pairs, and possibly as many as 88 pairs, and were identified by the Mariana crow recovery team as important conservation areas.

A total of 376 acres — all within the U.S. Fish and Wildlife Service's Ritidian unit of Guam National Wildlife Refuge — have been designated as critical habitat for the three species on Guam.

About 24,800 acres in two critical habitat units were originally proposed on Guam.

All U.S. Navy lands on Guam originally proposed as critical habitat were removed from the final rule in recognition of national security concerns expressed by the Navy.

The final rule to designate critical habitat for the three species was published in the Federal Register on Oct. 28 and will take effect in 30 days.

U.S. EPA to fund testing of water samples in Peleliu

By Agnes M. Abrau

For Variety

KOROR (Palau Horizon) — The United States Environment Protection Agency (EPA) has offered to perform the water analyses in Peleliu State.

The drinking water analyses will determine the contaminant that causes a foul smell and taste in the Peleliu drinking water system.

Jennifer Boeder, EQPB's laboratory supervisor, said in her letter to Sen. Johnny Reklai that EPA has offered to perform the analyses free of charge in the interest of public safety.

Boeder thanked Reklai and his committee for offering to help seek funds to pay for the water testing and analysis.

Reklai said they know about this problem during an oversight hearing on water quality and water availability in the country at the Senate. The hearing touched on conducting a water survey around Palau for quality, quantity and availability of water.

"Due to limited funding of EQPB, I offered to pay for the analysis of the water system of Peleliu. Since the Senate legal counsel has advised me that I cannot use our budget for the committee, I have to use my own official expense," Reklai said.

"I'm very happy that EQPB and EPA have finalized the arrangement for the water analyses," Reklai said.

Construction on six new public schools to begin Fall 2006

By Trina A San Agustín

Variety News Staff

THE most recent new public schools are Southern High School in Santa Rita and C.L. Taitano Elementary School in Sinajana, however, the Camacho administration has plans to change that by constructing up to six new schools.

"Construction work to build up to six new schools is set to start in Fall 2006 but could begin by this January," said Joe Duenas, director of the Department of Public Works.

The project will be the first undertaking by Gov. Camacho through a new leasing program.

Sen. Larry Kasperbauer (R-Dededo) told the governor's office that under a law he authored, which is the basis of the Governor's Municipal Lease Program, private business will cover the expenses of the school construction and would also lease ownership back to the administration.

"A task force is already working with three project bidders, which are all local construction companies, who have also partnered with big stateside financial institution," said Duenas.

Existing plans include one high school, two elementary schools

and two middle schools, Duenas added. He said a committee created by the Department of Education is handling the school locations.

"If the bid is awarded by the top bidder by the end of November, work will start in January. The design portion of the project will take about six months and construction should take up to a year," Duenas said.

The administration's goal is to have all the proposed new schools fully operational by the fall 2006 school year. The schools are the administrations hopes to relieve present overcrowding and provide new jobs for the community.

Guam EPA awarded \$97k for Environmental Projects

By Trina A San Agustín

Variety News Staff

GUAM Environmental Protection Agency was awarded \$97,070 in grants from the United States Environmental Protection Agency to assist in the island's coastal and drinking water monitoring projects. Of the awards, \$58,750 would go to assess the status of coastal waters and estuaries in Guam. The island's

effort is part of the EPA's National Coastal Assessment program and the Environmental Monitoring and Assessment program to help develop scientific tools and agency partnerships to broadly assess the status and trends of the environment in critical coastal areas, according to the USEPA.

The U.S. EPA will make available an additional \$38,329

for work in Guam to develop criteria to determine whether the island's groundwater is influenced by surface water and is at risk of additional microbial contamination.

The information from the projects will aid GEPA in working to protect Guam's drinking water resources and ensure clean water for residents.

SUBSCRIBE TO THE MARIANAS VARIETY - GUAM EDITION TODAY!

GET A COPY DELIVERED TO YOUR HOME OR OFFICE DAILY
CLIP AND FILL OUT THIS FORM AND SEND IT BACK TO US!

Name: _____

Billing Address: _____

Delivery Address: _____

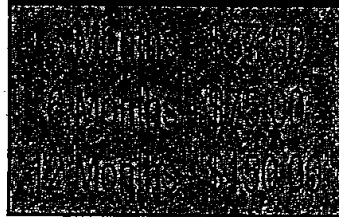
Tel: _____ FAX: _____

Start Date: _____

Month/Day/Year

*Payment must be made in advanced, prior to the start of delivery date. Clip and fax this form back to us at 648-2007, or mail with payment to 215 Rojas Street, Suite 101 Harmon Guam 96913. Please include a map for the delivery address. If you have any questions, call our offices at 649-1924/4678.

DIRECT DELIVERY ON GUAM



**Get it directly to your
HOME or OFFICE**

Pacific Daily News

©2004 Guam Publications, Inc.

A Gazette Newspaper

VOL. 35 NO. 276 HAGATNA, GUAM, NOVEMBER 2, 2004

HAGA ADAI, IT'S TUESDAY

guampdn.com

75¢ on Guam

Guam P.D.N.
Pacific Daily News
GUAM'S COMPLETE SOURCE

Don't forget to vote today!
Pacific Daily News will have 10-
11 p.m. election results.

How will you vote?
On Proposal A?

Results from yesterday's
P.D.N. are on page 1.

Pacific Daily News
ON THE AIR

Get the
latest news
brought to you by the
Pacific Daily News
on
KSTereO FM 95.5

Listen to live news Monday
through Friday at:
▲ 7:30, 8:30 and 9:30 a.m.
▲ 11:30 a.m. and 12:30 p.m.
▲ 4:30 and 5:30 p.m.

on
Joy 92, 91.9 FM

Listen to live news Monday
through Friday at:
▲ 6:30, 7:30 and 9:30 a.m.
▲ 4:30 and 5:30 p.m.

Custom wheels

With a personalized
logo and other
customized additions,
Jon Anderson's Scon xB
has been turning heads
wherever he drives it.

▲ See **Cruising**,
Page 28.



Inside

▲ **Airport releases
financial report**

Page 8

Body of diver recovered



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Rescue team: Guam Fire Department firefighters with Advance Life Support unit interview a man who was diving with the 50-year-old man who went missing off Asan Beach. The body of the diver who had been missing was recovered around 9 p.m. yesterday.

By **Theresa Merto**

Pacific Daily News
tmerto@guampdn.com

The search for a missing diver ended last night when the diver's body was recovered around 9 p.m.

His name was not released as of press time.

The 50-year-old man went missing off the waters of Asan Beach.

At 5:30 p.m. yesterday, the Guam Fire Department received a call about a distressed diver, said the department's spokeswoman, Firefighter Phyllis Blas. Officials from the fire department, Navy HC-5 helicopter squadron and the Coast Guard responded.

Coast Guard search-and-rescue specialist Lee Putnam said the man was diving with a couple of other people.

Putnam said according to the initial call, a man came out of the water yelling for

TO THE POINT

▲ The body of a diver who had missing a few hours earlier was recovered last night.

help because a diver was in distress, and a passerby ran to a phone to call dispatch.

"We later learned there was another guy in the water that recovered the guy's missing gear," Putnam said.

Putnam said the Coast Guard launched a boat to assist with the search and the HC-5 was airborne at 5:55 p.m. and on scene within minutes. Putnam said around 6:04 p.m., HC-5 spotted a set of fins and a snorkel just off of the reef.

Seventeen people have died in Guam's waters this year, excluding the diver's death yesterday. Last year, six people drowned on Guam.

Residents head out to cast votes today

By **Steve Lintiacio**

Pacific Daily News
slintiacio@guampdn.com

Guam voters will have a lot to consider when they head to the polls for today's General Election.

It is time to select a new Legislature, two new members to the Consolidated Commission on Utilities and new school board members.

Most villages also will be selecting a mayor or vice mayor, depending on whether those races were decided during the September primary election.

Doris Brooks, the island's first elected public auditor, is up for re-election, as is fresh-

TO THE POINT

▲ Guam voters head to the polls to elect new officials and decide on the casino gaming issue. There are 54,940 registered voters in today's election.

Election 2004

man Democratic Delegate Madeleine Bordallo. Both are running unopposed.

Superior Court of Guam Presiding Judge Alberto Lamorena III is up for a seven-year vote of confidence as is Judge Steven S. Unpingco.

Residents also will decide whether casino gaming

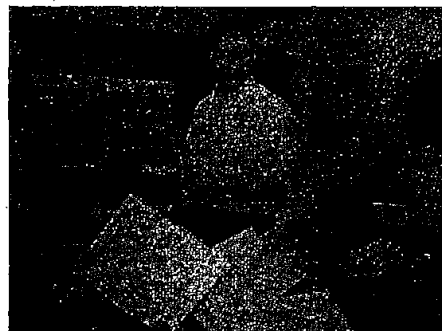
INSIDE

▲ Election results will be announced at 6 p.m. today. The results will be announced at 6 p.m. today. The results will be announced at 6 p.m. today.

should be allowed in large Guam hotels by casting their vote on Proposal A, sponsored by the Citizens for Economic Diversity.

Guam residents are not allowed to vote for president,

▲ See **Vote**, Page 3



Victor Consaga/For Pacific Daily News

Preparations: Adam Carbullido, center, of Election Systems and Software with Guam Election Commission Chairman Fred Horecky, second from right, examine tabulation reports at the University of Guam field house yesterday in preparation for Election Day today.

Fate of casino gaming initiative to be determined

TO THE POINT

▲ Guam residents today will vote on Proposal A, the initiative that seeks to legalize casino gaming on Guam.

By **Theresa Merto**

Pacific Daily News
tmerto@guampdn.com

Despite the litigation, the controversial one-page informational pamphlet and the confusion over whether

the votes will count, residents today will decide on the fate of Proposal A, the initiative to legalize casino gaming on Guam.

If approved by voters, Prop A will allow as many as 10 casinos to open in

large hotels and create a gaming commission to regulate those casinos. A new casino tax would also provide money for the General Fund as well as for infrastructure projects.

But it has been a bumpy

road leading to Election Day.

The Guam Election Commission last month mailed an informational pamphlet to voters that did not include the complete text of the 80-page

▲ See **Casino**, Page 3

1984 2004

SUPER SALE. THOUSANDS IN SAVINGS

CALL TRIPLE 7 MOTORS FOR DETAILS 649-6555



Vote: Public test of counting machines held

▲ Continued from Page 1

but the question is on the ballot as a straw poll. Four years ago, Guam voters chose George Bush over Al Gore by a vote of 18,075 to 16,549.

Polling places open islandwide at 7 a.m., and close at 8 p.m.

Keep your pencils sharpened, especially if you live in Dededo or Yigo, because write-in votes will play an important role in selecting your school board members.

There are 54,940 registered voters, according to the Election Commission. The voter turnout during the last General Election, two years ago, was 74 percent.

There are not enough official candidates on the ballot to fill all 9 of the available seats on the Education Policy Board, which means as many as 5 seats will be filled by write-in candidates.

The Luchan school district, for some central villages, is the only district with enough officials candidates — three people competing for two seats.

But there are no official candidates for the three vacant seats in the Lagu district, for Dededo and Yigo. The Kattan and Haya districts have two open seats apiece, but each has only one official candidate.

Any open board seats in a school district will go to those with the largest number of write-in votes, provided they are otherwise qualified and agree to accept the position, said Election Commission Executive Director Gerald Taitano.

There is no minimum number of

write-in votes to qualify, which means a single vote could be enough to elect a school board member if no one else gets a vote.

Taitano said it could take several days for the Election Commission staff to sort through the write-in votes to determine which write-in candidate's for school board were successful.

The Guam Election Commission met at the University of Guam field house yesterday evening for the traditional public test of the vote-counting machines.

Stacks of pre-marked paper ballots were run through the old counting machines, which read the pencil marks in the ovals marked by voters.

One specific ballot could not be run through one of the four machines, which kept spitting it out, citing an error in the code. According to the commission, part of the ballot's print had been scratched because of handling and could not be read by that machine. If that were to happen to a ballot on election night, the commission would replicate those marks on a fresh ballot form so it could be read, according to commission members. The other three counting machines were able to read all of the test ballots without error.

There were no tests performed on the new iVotronic electronic voting machines, other than to confirm that any votes had been cleared from their internal memory. The goal is to convert to electronic machines entirely by the 2006 elections.

There is no minimum number of

Election 2004

ON THE BALLOT

Ballot placement for the General Election today:
PUBLIC AUDITOR

1. Doris Flores Brooks

CONSOLIDATED COMMISSION ON UTILITIES

1. Tom Ada
2. Eloy Hara
3. Jesus Lizama
4. Gloria Nelson

PROPOSAL A

▲ This initiative shall 1) allow for certain licensed casino gambling activities in Guam hotels; 2) create a five-member Guam Casino Gaming Control Commission which (a) defines the gambling activities allowed, (b) promulgates rules and regulations regarding licensed gambling, (c) enforces said guidelines, and (d) provides for civil and criminal penalties for violations of these provisions; and (3) provide a mechanism by which the commission shall (a) control the issuance of gambling licenses, (b) conduct hearings under the proposed Act, and (d) enact rules and regulations necessary in carrying out the Act.

Yes
No
(If you vote "Yes" and

"No" your vote for the initiative will not be counted. If you make a mistake, ask for a new ballot.)

JUDICIAL QUESTION

▲ Shall Judge Steven S. Unpingco of the Superior Court of Guam be retained in office?

Yes

No

▲ Shall Presiding Judge Alberto C. Lamorena III of the Superior Court of Guam be retained in office?

Yes

No

EDUCATION BOARD

▲ Katan
Rosa S. Palomo
▲ Haya
Ignacio T. Tainalong
▲ Luchan
Jose S. Ali
Jose Q. Cruz, Ph.D.
Garland S. Wilhite

NON-VOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES

Madeline Z. Bordallo

LEGISLATURE

Democrats:

1. Mark Charfauros
2. Toni Sanford
3. Ted Nelson
4. Rory Respicio
5. Adolpho Palacios

6. Teresita Cruz
7. John Quinata
8. Tina Mufia Barnes
9. Judith Won Pat
10. Benjamin Cruz
11. Frank Blas Aguiar Jr.
12. Vicente Pangalinan
13. F. Randall Cunliffe
14. Lou Leon Guerrero
15. Judith Guthertz

Republicans:

1. Victor Gaza
2. Vincent Camacho
3. Bertha Duenas
4. Ray Tenorio
5. Antonio Unpingco
6. Joanne Brown
7. Robert Kitzkie
8. Jerome Landstrom
9. Jesse Lujan
10. Larry Kasperbauer
11. Mark Forbes
12. Mike Cruz
13. Noel Silan
14. Chris Duenas
15. Edward Calvo

MAYORAL RACE

▲ Agana Heights
Frank Camacho
Henrique Mendola
Paul McDonald
▲ Agat
John Duedachay
Carol Tayama
▲ Asan-Maina
June Regalado
Vicente San Nicolas
▲ Dededo
Melissa Savares
Scott Duenas
▲ Inarajan

Jesse Perez
Franklin Taitague
▲ Mangiao
John Lizama
Nonito Blas
▲ Mongmong-Toto-Matte
Jesus Bamba
Andrew Villagomez
▲ Ordor-Chalan Pago
Vicente Aguiar
Pedro Borja
▲ Piti
Benny Rosalin
Vicente Gumataotao
▲ Santa Rita
Dale Alvarez
Joseph Wesley
▲ Srajana
Roke Blas
Tina Pablo
▲ Taololo
Vicente Taitague
Pedro Paulino
▲ Umatac
Daniel Sanchez
Emeteria Quinata
▲ Yona
Jose Tertaja
Vicente Bernardo

VICE MAYOR

▲ Agat
Jesus Chaco
Joaquin Topasna
▲ Dededo
Andrew Peter Benavente
Lawrence Rivera

Guam Election
Commission
Pacific Daily News files

Casino: COPA, CFED to be present at polling sites

▲ Continued from Page 1

casino initiative — a decision that the attorney general's office has said will make the election results unenforceable. Guam law states that the informational pamphlet must contain a complete copy of the initiative measure.

Two separate lawsuits were filed against the Election Commission in order to stop the casino election and to force the government to hold a special election. On Friday, however, U.S. District Court of Guam Judge Alex Munson rejected a proposed agreement between casino supporters and the attorney general's office that would have stopped the casino election on Nov. 2, saying it would cause more harm than good to stop it.

Rose Bargender, 21, of Dededo yesterday said she knew early on that she was going to vote against the passage of Prop A because the cons outweigh the pros.

"I believe that Proposal A will bring a lot of social problems to Guam. That is something we don't need. We have a lot of it already," Bargender said. "And I feel that we have a lot of forms of gambling already on Guam, like bingo and cockfighting, and why add

more to it?"

Bargender, who is a psychology major at University of Guam, said people feel they are in control when it comes to casino gambling, but they are not.

"They are in debt and they try to get it back by putting in more money, and they just get more into debt," Bargender said.

Ordor resident Annie Tedpaha-go, however, said she plans to vote for Prop A because she believes a gaming industry will increase the number of jobs and improve the economy.

"It's good for the island, especially for those that don't have jobs," she said.

Some voters, like Doreen Yokoi, 56, of Toto are still on the fence when it comes to Prop A. Yokoi said yesterday she had not yet decided on whether she was going to vote for Prop A.

"It is my duty. I want to vote," Yokoi said. "But I am undecided."

On one side, Yokoi said, legalizing controlled gaming on Guam will be a new way to bring in revenue to the island and create more jobs. At the same time, however, it could cause an increase in social problems, she said.

It is voters like these that Citizens for Economic Diversity,



Masako Watanabe/Pacific Daily News/mwatanabe@guampdn.com

Opinion: Rose Bargender, 21, of Dededo voices her opinion about Proposal A. Island residents decide on the casino gambling initiative at the polls today.

which sponsored the initiative to legalize casino gambling, and gaming opponent Communities Opposing Prop A, spent yesterday trying to sway.

At the COPA headquarters, spokesman Jay Arriola said that volunteers spent the day "working the phones" and reminding peo-

TO LEARN MORE

PROPOSAL A

▲ To learn more about Proposal A visit the Citizens for Economic Diversity Web site, www.guamgaming.com.

OPPOSITION

▲ To learn more about Communities Opposing Prop A, visit its Web site, www.copaguam.com.

ple to get out and vote.

"We've also been briefing our poll watchers and our poll wavers to give them tips on how to deal with the polls, issues that arise at the polls," Arriola said. "We've also been preparing our primary team that will be stationed at UOG central to monitor the votes throughout the night. There is a whole range of last-minute planning including the waves and other efforts that will continue throughout the night."

Arriola said all polling sites will be manned today with volunteers who support COPA, including church groups.

"We've got every one of them covered," Arriola said.

When asked whether they have done enough to try to defeat Prop A, Arriola replied, "One of our themes has been, let's not say that we haven't done enough to defeat this initiative. I think our group

can safely say we've done everything possible we can including our campaign all the way through these uncertain times over the past couple weeks."

He said their goal has always been to proceed with the election and move forward, despite litigation.

"We are very proud to say we think it has worked so far. We hope it will show (today)," Arriola said, adding that the anti-casino group is confident it will prevail.

Meanwhile, Lou Aguiar-Schulte, CFED campaign coordinator, said Prop A proponents were getting all the poster boards, canopies, barbecue grills and chairs ready for the polling sites, where hundreds of supporters are expected to pitch in today to help.

Aguiar-Schulte said although voters will decide today on Prop A, she said more could have been done in terms of informing the public, "especially those who haven't seen a copy of the Act, who still want to look at it themselves."

"Everyone has a constitutional and Organic Act (right) to vote and when you take that away it hits at the heart of Democracy when you don't follow the law in terms of an election, meaning getting the information that is required out to the people," Aguiar-Schulte said.

Aguiar-Schulte said CFED is confident with the way its campaign has run.



Member



How many legislative candidates will you be voting for in tomorrow's election?

8-11	19.4%
0-3	24.0%

as of 10 p.m., Nov. 1

Local news

Boil-water notice lifted in Agat areas

The boil-water notice has been lifted for Santa Rita, Agat, Naval Base Guam, Naval Magazine and the Navy's old and new Apra housing. Tests have determined that the water quality has met standards of the Environmental Protection Agency.

Suzanne and Duane win bridal contest

Congratulations to Suzanne Toves and Duane Velasquez, who won this month's online wedding journal contest. They are contributing their personal stories in the Pacific Daily News online wedding journal. They won an Elenis Exotics Collection set from Mandara Spa. Readers voted for their favorite couple in our continuing contest. The polls opened Thursday and closed at 9 a.m. yesterday. Toves and Velasquez came in with 50.2 percent of the votes.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

What's open, what's not: All Souls' holiday and General Election today

Post office branches and federal government offices: open.

Banks: open.

Pacific Daily News: open

By Steve Limtiaco

Pacific Daily News
slimtiaco@guampdn.com

The most important question on today's ballot is the proposal to legalize casino gaming on Guam, according to residents who talked to the Pacific Daily News yesterday.

Whether or not Democrats or Republicans have the majority of seats in the Guam Legislature was not very important to them, with several saying they don't notice anything different when leadership changes.

Lucia Maanao, 65, a government of Guam employee from Dededo, describes herself as a Republican, but she had positive comments about Democratic lawmakers, who she believes have worked to support pay raises for GovGuam employees.

However, she said it might be good to see Republicans in charge of the Legislature, "just for a change."

"I'm a split voter during the General Election," she said. "I choose the good ones." Maanao said she selects lawmakers based on their work ethic. She plans to vote "No" on the casino proposal.

"I don't see any difference at all with Republicans or Democrats," said Alvin Cruz, 26, of Dededo. He said the most important vote to him will be the casino vote. "I'm just for it," he said.

Theresa Hiton, 28, of Yona said it doesn't matter to her which party controls the Legislature. She said the most significant issue on the ballot is the casino vote.

Mel Atoigue, 27, of Yona said candidates say the same thing every year, but nothing seems to change for the better. The cost of utilities keeps going up, he said, and politicians who are supposed to be focusing on Guam keep traveling off-island.

"Nothing's been done," he said.

The fighting between the governor and the lieutenant governor this year sends the wrong message to the people, he said. "They're supposed to be helping us," he said.

Atoigue also said the casino vote is one of the most important items on the ballot. "Me, I prefer no casino in Guam," he said.

The chairmen of the island's Democratic and Republican parties yesterday talked about the importance of putting members of their party in control of the Legislature.

Democratic Party Chairman Mike Phillips said it is important to maintain a Democratic majority in the Legislature in order to prevent the Legislature from becoming the Republican governor's "rubber-stamp."

Democratic lawmakers also support pay raises for GovGuam employees, and supplemental annuities for GovGuam retirees, he said.

Republican Party Chairman Phil Flores said a Republican majority will work cooperatively with members of both parties and will not raise taxes. Republicans also will protect the benefits and salary increments of

By Katie Worth

Pacific Daily News
kworth@guampdn.com

Social worker Cindy Chugrad, 35, originally from Yap state in the Federated States of Micronesia, said she has conflicting emotions about the casino gambling initiative on today's ballot: on one hand, she said, it might bring jobs to people in her community.

On the other, she believes it will affect people from Guam's neighboring islands as well because they'll likely come to Guam and gamble.

So she's not sure whether she supports it.

"But then again, it doesn't really matter what I think," she said. "I don't have any voice in the matter because I can't vote."

Chugrad is one of Guam's burgeoning population of immigrants from the FSM who can't vote in today's election.

It is a situation that is likely to change considerably over the coming decades as more of the regional migrants' children who were born on Guam and therefore have U.S. citizenship become adults and can vote in Guam's elections.

But the current situation is one that frustrates many of the FSM immigrants interviewed yesterday, because though Guam's elections affect their lives as much as any other Guam resident, they don't get a voice in this election.

One member of Guam's Chamorro community likened the Micronesians' relationship with Guam to the relationship Guam has with the U.S.

"Guam (residents are) U.S. citizens, but they don't get any say in the U.S. presidency, and I feel that way here too sometimes, like we are supposed to be welcome here, but we don't get to decide who are the leaders," said 49-year-old Tamuning resident Sam Choffat, a psychiatric technician at the Department of Mental Health and Substance Abuse. Choffat is originally from an outer island of Chuuk.

Disappointment

Such sentiments were echoed by other FSM immigrants interviewed yesterday.

Yigo resident Myomina K. Palik, 27 of Kosrae said she is disappointed that she cannot vote be-

cause she would like to have a say in the future of her 5-year-old daughter's education. But she said she is glad that at least her daughter will be able to vote when she turns 18, if she chooses to.

Dededo resident Ruthie R. Solomon, 47, originally from Pohnpei, is a retired Bank of Hawaii and Continental Airlines employee. She said she often feels frustrated that she doesn't get a say in the elections here on Guam.

"We've been here for quite awhile—almost 17 years now, but we still can't vote. Unfortunately, I am not a U.S. citizen and my children are not U.S. citizens, only my grandkids, but they are still young," she said.

ON THE POINT

▲ Guam's regional immigrant population will largely be absent from the polls today, as many cannot vote on Guam. However, that situation will change in later elections as the immigrants' children who were born on Guam become old enough to vote.

cause she would like to have a say in the future of her 5-year-old daughter's education. But she said she is glad that at least her daughter will be able to vote when she turns 18, if she chooses to.

Dededo resident Ruthie R. Solomon, 47, originally from Pohnpei, is a retired Bank of Hawaii and Continental Airlines employee. She said she often feels frustrated that she doesn't get a say in the elections here on Guam.

"We've been here for quite awhile—almost 17 years now, but we still can't vote. Unfortunately, I am not a U.S. citizen and my children are not U.S. citizens, only my grandkids, but they are still young," she said.

"We have bought property here and I think that since Guam is home now, we should at least be able to voice our concerns," she said.

Topping her list of priorities for the government is education and health care. She said she'd also like to see local leaders address the racial discrimination her community sometimes faces.

"Because I've had so many people looking at me like I've got the plague, as if I've got some infectious disease. And when they see you wearing the traditional skirts, they just look at you as if you're not good enough. It hurts, and it's very disappointing," she said. "I don't mind them doing it to me, but not to my kids."

The situation is especially hurtful, she said, because she and her family work hard to be outstanding citizens.

"We've been here for 17 years ... we pay our taxes, we never go on public assistance, no matter how hard it is we try to survive on our own, and we try to go along with the law," she said. "And yet you're still not good enough in other people's eyes. That's what makes it hurt so bad."

Chuk Association of Guam representative John Uruo said such problems could be tackled if there was greater dialogue between

LOCAL

Prop A looms large in election

Immigrants seek voice in elections

ON THE POINT

▲ Guam's regional immigrant population will largely be absent from the polls today, as many cannot vote on Guam. However, that situation will change in later elections as the immigrants' children who were born on Guam become old enough to vote.

Guam's leaders and the FSM community.

"There are a lot of Micronesians here on Guam from all over, and unfortunately we cannot vote, we are not part of the process. But at the same time, there are some things the Legislature can come up with to address the problems of the Micronesian community here to make them involved in certain programs that might (help) the Micronesians understand the way of life here," said Uruo, who is a Chamorro interpreter in Guam's courts.

"Even if we are not voting, there are certain programs that reach out to the people and make them understand that you're not voting but you're welcome here, and let's work together to make things better," he said. "I think it would be beneficial for both the Guam community and the Micronesian people and would help us live together in peace."

Still outside the door

According to the U.S. Census, there were between 6,000 and 7,000 people from the FSM living on Guam in 2000, said FSM Consul General Samson Prettick, originally of Pohnpei.

Though he doesn't have any statistics on exactly how many of those vote in the local elections, he said the percentage remains very low because though most FSM migrants are free to come to Guam under the rules the Compact of Free Association with the U.S. government, they maintain their FSM citizenship.

The Republic of Palau has a similar compact with the U.S., but the Guam Palauan community's situation is somewhat different because it is a much older immigrant population, said Davis Tevid, vice president of the Palauan Community Association of Guam.

"Palauans are already in their third and fourth generation on Guam, and clearly the other Micronesian communities are newer waves of immigrants," he said. "My parents came here in the '50s, for example, but when you talk about the FSM, it's really only the last decade that they came to Guam, so a lot of them don't vote on Guam."

Choffat agreed that Guam's FSM community is in a different position than the Palauan community.

"I think at least the Palauans' foot is in the door—one foot is in and one foot is out. But Micronesians are still totally outside."

they bring nothing forward to the people except for perhaps higher taxes."

He said more than 90 percent of the bills passed by the current Democrat-controlled Legislature were introduced by Democrats. The last time Republicans controlled the Legislature, more than 40 percent of the bills passed were introduced by minority Democrats, he said, "because Republicans work with everybody."

Group reiterates key aspects of analysis

Spectrum Gaming Group applauds the professionalism of your reporter Steve Limtiaco in his Oct. 7 account of our report prepared for the Guam Hotel & Restaurant Association. We also recognize the common-sense approach taken in your Oct. 8 editorial asking voters to consider the entire economic picture.

While we do not take sides in the debate on legalized gaming for Guam, we suggest that certain facets of our analysis need to be considered and understood.

- We suggest gaming, with proper controls and planning, can serve as a catalyst for much-needed capital investment in the tourism industry. One concern we have is that we can identify no other catalysts that would generate the necessary capital to keep Guam's tourism industry competitive.

- We do indeed point out that not all businesses will benefit from gaming. A growing economy is more likely to tilt the economic playing field in favor of businesses that have the strategic vision and access to capital necessary to compete. A corollary to that, however, is that an economy that is not growing is far more likely to cause business failures.

Our experience has shown that gaming is not a panacea, but can serve as a tool to generate jobs, attract investment and grow tourism.

The status quo is simply not an option. Regardless of the outcome of this election, Guam needs to develop means of attracting private capital to its tourism industry.

We applaud everyone in Guam who is giving this issue serious consideration. I particularly note the recently published analyses from high-school students on this matter. Such thoughtful essays will help ensure that this issue gets considered on its merits.

Thank you for allowing us to participate in this debate. We are honored to have played a role in this pivotal issue.

MICHAEL J. POLLOCK
managing director,
Spectrum Gaming Group

Forum conducted by KUAM disappointing

I was one of the people who attended KUAM's forum on casinos and I came away disappointed on several points. First, and perhaps the most offensive single thing was the use of the term "casino gaming" by the moderators. When one replaces "gambling" with "gaming" one is unfairly and dishonestly equating roulette with a 5K, craps with canas-

ta, and poker with baseball. No one can honestly ignore the essential difference that gambling is about money — in some cases, a lot of money. One is also ignoring the fact that people rarely, if ever lose their homes, savings, cars, jobs, marriages and lives over a game of bridge.

Secondly, the gambling promoters (used) ... statements such as that persons who could be expected to develop severe gambling problems was only 1 percent of the population. Although the figure was attributed to a study on the impact of gambling conducted by the federal government, even that report acknowledged that they were using an extremely conservative figure. ... Health authorities in Ontario and Manitoba uncovered figures of 16 percent in Ontario and between 4 percent and 5 percent in Manitoba. Figures gathered in Australia were much higher.

What definition was used for a problem/addictive gambler in these studies? They were persons who admitted family, employment, bill payment or legal problems resulting from their gambling and that they had not been able to control the urge. This suggests that the numbers I have used are themselves unreasonably conservative because if you don't admit a problem or recognize the cause of that problem, or have never contemplated stopping gambling you aren't a problem gambler.

DAVID CHARLES SULLIVAN
Hagåtña

Gaming can help island catch up with world

I've heard all the stuff about the economy already supposedly turning around and that it was all done without casino gaming, but I haven't seen it. What I am seeing is that jobs are still very scarce, schools lack everything from equipment to books to enough qualified teachers, and utility bills are rising.

I've also heard that casino gaming will only increase child abuse, neglect and abandonment, and people will spend their paychecks on gaming rather than on the family, that it promotes addiction, etc. But we already have that, and it's getting worse because of the lack of jobs and even the lack of a decent education.

Gambling on Guam is nothing new, it's just never been regulated. I hate to pick on bingo because it's sort of traditional here, but it's not a fund-raiser anymore. It's become a business. Then there's cockfighting. Do you have any idea how much it costs to feed and care for those roosters, which are largely imported? We also have pachinko parlors and game rooms all over the island, and while these last two are hardly traditional, they do have some-

thing in common with bingo and cockfighting — they are all forms of unregulated gambling/gaming already on Guam.

Prop A is about establishing controlled gaming ... which will be another tool to use to bring more tourists from Japan and other countries to Guam. These casinos will help to create more jobs ... not to mention bring in taxes that will help to upgrade and improve our island.

Our island is not clean, pleasant and inviting. The beaches are dirty and polluted. Road-sides are overgrown and, in some places, have become dumping grounds.

It is essential for Guam to grow and improve and keep up with the rest of the world if we wish to remain competitive. If our elected leaders aren't doing the job, if the same old thing is no longer viable, then it's obvious that we need to make a change.

STEPHANIE WILLIAMS
Dededo

Lack of information, waste of funds insulting

Once again, the voter's right to be informed fully about their future has been subordinated by budgetary constraints. I am talking about the GEC independent view that a summary of Proposal A will be sufficient despite the fact that the law specifically states voters must have a "copy of the proposed proposition/law." The intended summary and the various positions, both pro and con, are decided singly by the GEC staff and the parties involved and we voters must have "blind trust" in the activities of our government officials.

And then, to add insult to the intelligence of the electorate, we are told to go ahead and cast our vote, but whatever voting results, achieved, such reflections of the voters' decisions will not matter, nor (be) enforceable. What a travesty of the most important right of a voter — the right to vote, and to render a decision that will not be of any value.

I suppose it will be one of those public opinion surveys or election pools that we have been witnessing during an election year. What a waste of taxpayers' money, and a continuing insult to the voting public.

JOE T. SAN AGUSTIN
Dededo

Pros, cons of Prop A not properly addressed

I still have a lot of questions with regards to Proposal A though I have been following this in the newspaper and on TV.

Pros and cons are being highlighted on TV

and in the news media, but no solutions to allay the fears of local civic leaders. (And there is) no mention of real control to avoid the many social ills that may be associated with gambling.

How can we work together to make this proposition work for Guam?

If the fear of most opposition is the negative impact on the local or military resident, then why not limit the people who can go to these casinos?

The opposition had mentioned that (there) are cases of people selling food stamps, children being left unattended and others. Well, let us eliminate those people from entering the casinos by really controlling the people who can go into these casinos; target the tourists only.

In a free market, the casinos will close itself if the proposition is not profitable.

If the presence of casinos will jeopardize the military expansion here in Guam, then let us not waste our time and money in considering the opening of casinos in Guam.

EDDY SY
Dededo

Addition of another vice won't cure all ills

With all the hoopla to allow gambling on the island, the people of Guam should not be fooled by the lure of quick cash and the promise that gambling will generate monies and solve all our problems. These are what the proponents of gambling are promising, and I emphasize (they) cannot guarantee (it) will be realized.

The one thing I know (that) is a guarantee is a lesson from past experiences — that when you have a society that is already lacking in its moral values, the addition of another vice will have far-reaching and greatly detrimental effects to that society's well-being. Can we afford to gamble on this?

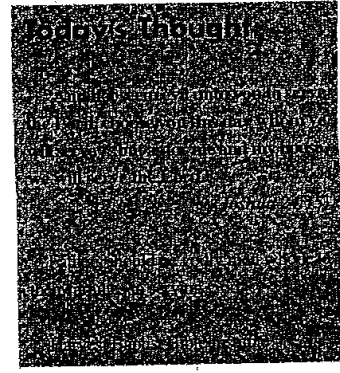
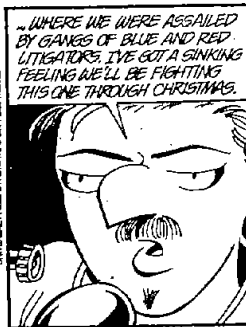
To address our financial woes, perhaps we can start by focusing our efforts at plugging the hole in our financial cash buckets and curbing the practices of over-expenditure beyond our means. We should be cracking down on misappropriations and have accountability of how government monies are spent. We can also direct efforts to reduce government as a whole. If we do not change our outlook on current financial practices, even with all the money promised from gambling, we will never have enough.

As for gambling, remember people of Guam, we can make the choices for or against casino. However, keep in mind that the consequences that come with our choices are not optional.

ROLAND A. MONDIA
Windward Hills

Doonesbury

By Garry Trudeau



Marianas Variety

Vol. 01 No. 23
©2004 Marianas Variety

Tuesday • November 2, 2004

www.mvariety.com
Serving the Marianas for 32 Years **50¢**

High turnout likely for polls

By Gerardo R. Partido
Variety News Staff
UP to 85 percent of Guam's registered voters are expected to troop to the polls today to choose a new set of leaders for Guam.

Tight race for majority seen

By Gerardo R. Partido
Variety News Staff
A close fight is expected in the senatorial race as both political parties have pulled out all the stops as they attempt to gain the majority in the 28th Guam Legislature.

The Republican Party is currently the minority and has said publicly that a Republican majority is needed to prevent gridlock between the Republican administration and the legislature.

"They've cut Republicans completely out of the decision-making process at the legislature. People want this to change," said Republican Party of Guam chairman Phillip Flores.

According to Flores, several Democratic incumbents are going to lose their seats because "they've raised taxes and don't listen to anybody other than themselves."

"On our side, we have a superior slate. We have our incumbent."

Continued on page 2

General elections usually have a good turnout, but GEC expects today's election to have a bigger turnout than usual due to additional elective posts aside from the usual legislative and municipal seats.

"We expect a bigger turnout compared to the primary."

During the primary last September, we didn't have our normal turnout," GEC executive director Gerald Taitano said in an interview.

The last primary election garnered one of the lowest number of voters in Guam's election history. Analysts have attributed this to the new "cross-

over" rule that prohibited voters from crossing over party lines, a favorite practice among island voters.

"We're expecting from 80 to 85 percent turnout. Two years ago we were at 80 percent, so it's almost the same. But it's slightly better this year I think," Taitano said.

One factor that could cause a higher turnout today is the hot and contentious campaign on the controlled casino gaming initiative or Proposition A.

Although casino proponents have said they will not recognize today's results, anti-ca-

Continued on page 2



GTA board chairman Karl Petersen, left, and TeleGuam Holdings' CEO Bob Taylor look on as Gov. Felix P. Camacho sign Bills 366 and 367 that finalize the privatization of the Guam Telephone Company.
Photo by Mar-Vic Cagurangan

Camacho approves GTA privatization

By Mar-Vic Cagurangan
Variety News Staff
GOV. Felix P. Camacho yesterday sealed the agreement between the Guam Telephone Authority and Shamrock Advisors/TeleGuam Holdings for the sale of the GTA facilities, ending the government of Guam's management of the telephone business and making GTA the first government entity to be fully privatized.

Camacho signed Bill No. 366, which contains the terms of the sale agreement, and Bill

367, the regulatory measure that ensures continuity of service of all private telecom carriers under a privatized GTA.

"I am proud to sign these bills," Camacho said. "This sale strengthens Guam's role in the region as a strategic telecommunications hub for Asia and the United States and encourages even more investment onto our island."

GTA general manager Lawrence Perez said that under TeleGuam's management, the new GTA would be able to offer

consumers lower rates, improved telecommunication services and expanded technology.

TeleCom, which bought the GTA facilities for \$150 million, has agreed not to increase rates for basic services for the next five years. The company also promises to invest up to \$100 million in Guam's telecommunication system that includes such services as cellular, long distance, Internet and cable TV.

Camacho reiterated his ear-

lier announcement of his plan to earmark \$33 million of the proceeds from this sale for the construction of the Regional Medical Center, that would cater not only to Guam but also to neighboring islands and countries in the region.

The Guam Education Policy Board approved last week a resolution endorsing Sen. Rory Respicio's Bill 104, which proposes to appropriate \$130 million of the sale proceeds for the construction of new schools.

Continued on page 2

Inside:

- Mutiny used for political gain p. 9
- China lays into Bush p. 12
- Confirms somber to deal p. 18
- Who calls p. 21

Fastest Push-To-Talk connection.

Less than 1 second!

CONNECT

IMITATED NEVER EQUALLED

Fight...

Continued from page 1

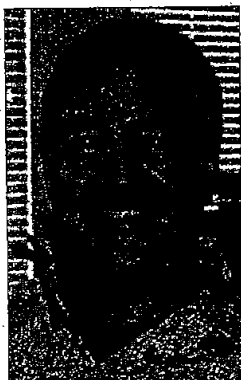
sents who have been doing a good job, although they've been shut out of the process. Our incumbents stood up to tax increases and said no. When the increments for retirees were cut by the Democrats, our incumbents also stood up and said no," Flores continued.

He added that the Republicans have a slate of new candidates who offer a wide variety of experience and expertise. "And of course, we have former Speaker Tony Unpingco and former senator Eddie Baza Calvo who we believe will finish very high. So we forecast a 9-6 Republican majority," Flores confidently predicted.

"There's so much dissatisfaction with the way the Democrats have been running things. All you hear the Democrats do is criticize. It's time for people who are positive. It's time for people who will work with everybody, and a majority that will listen. It's time for a Republican majority," Flores stressed.

As for the Democrats, party chairman Mike Phillips expects to add even more to the number of incumbent Democratic senators.

"The way things are going right now, the Democrats will get one or two more seats in the legislature in addition to the Democratic incumbents already



Republican Party chairman Phil Flores

there," Phillips said.

He also criticized the argument that a Republican majority in the legislature can work more closely with the Republican administration to prevent a political deadlock.

"The Republicans have done everything but swear that they are going to be a rubber stamp for the governor. They supported a budget that would have taken out \$30 million from the Department of Education. No republican senator would stand up to the governor so we won't have any check and balance," Phillips charged.

He added that one group that would be most vulnerable to a Republican majority would be GovGuam employees because "it was a Republican legislature that froze their increments."



Democratic Party chairman Mike Phillips

Phillips said the incumbent Republicans are also the ones who stood behind the governor when he vetoed the bill to give GovGuam employees the first increment in five years.

"The other group that would be most affected by a Republican legislature are the retirees. Again, because the governor said he didn't want a budget that would benefit the retirees. And the Republican senators backed him," Phillips charged.

"But we Democrats know what's going on. They're already trying to save money for the 2006 gubernatorial election. But rather than exposing this and saying 'sorry governor, but we need to fund education,' the Republican senators have supported the governor."

High...

Continued from page 1

sino advocates are urging all their supporters to go out and vote.

Pro-casino voters are likewise expected to prove a point and vote "yes" on Prop A despite the declaration by Citizens For Economic Diversity that today's election is already "tainted."

Aside from the usual legislative, mayoral, and vice mayoral races, also up for election are two slots for the Guam Public Education Policy Board, two seats for the Consolidated Commission on Utilities and the judicial question of whether Superior Court judges Steven S. Unpingco and Alberto C. Lamorena will be retained for a new term of office.

Congresswoman Madeleine Z. Bordallo is running unopposed as is Public Auditor Doris Flores Brooks.

Taitano said GEC is all set for today's election. "We've finalized our arrangements for our tabulation center at the University of Guam. The tabulators are ready. The supplies have all been accounted for and the ballot boxes set aside," Taitano said.

Voting polls will open at 7 a.m. and close at 8 p.m. at the following polling sites: Hagatna-Guam Legislature; Chalan Pago/Ordot-Chalan Pago/Ordot Elem. School;

Asan/Maina-Asan/Maina Comm. Ctr.; Sinajana -C.L. Taitano Elementary School; Piti-Jose Rios Middle School; Agana Heights-Agana Heights Elem. School; Agat-Oceanview Middle School; Mongmong-Toto-Maite-J.Q. San Miguel Elem. School; Santa Rita-Harry S. Truman Elementary; Barrigada-Untalan Middle School; Umatac-FQ Sanchez Elem. School; Mangilao-Price Elementary School; Merizo-Merizo Martyrs Elem. Sch.; Tamuning-John F. Kennedy High School; Inarajan-Inarajan Middle School; Dededo-Wettengel Elem. School (A-D), M.A. Ulloa Elem. School (E-R) and Astumbo Elem. School (S-Z); Talofofo-Talofofo Elementary School; Yigo-Simon Sanchez High School; Yona-M.U. Lujan Elem. School.

As the ballots come in, Taitano said GEC will release the electronic votes first and then release the results of the paper ballots once their totals are done, tabulated with the aggregate count.

"We're targeting the release of preliminary results by 9:30 p.m. By 12 midnight, everything should be done. At least that's our projection. Of course that still doesn't take into account any problems we may have at the precinct level," Taitano concluded.

Camacho...

Continued from page 1

Speaker Vicente Pangelinan is not keen on Respcio's proposal, saying these projects will be covered by the Compact impact money.

But Pangelinan said "it's too early to fight over the money" until the GTA sale is finalized and the money is available.

"There are other things that we have to take care of first to ensure that the sale goes through," Pangelinan said.

He mentioned specifically GTA's \$105 million debt to the federal government.

President Bush has until December to approve the proposed debt relief for Guam as provided for in the Compact Reauthorization Act.

TeleGuam executives earlier said that the company was still willing to buy GTA regardless of Bush's position on the proposed debt relief. TeleGuam was among three multibillion-dollar companies that offered to buy GTA.

Camacho's father, former Gov. Carlos G. Camacho, first turned GTA into an autonomous agency in April 1974. The privatization process began in 1996 but did not progress because only one bidder was interested.

"This is a dream finally realized," Camacho said. "Today we made it happen through the cooperation of the Guam Legislature."

Monkeys on the loose in Palau

By Agnes M. Abraza
For Variety

KOROR (Palau Horizon) — Macaque monkeys from Angaur are reportedly on the loose. These wild monkeys are spotted in the Rock Islands and the mangrove areas in Koror and Airai.

Dr. Joel Miles, chairman of the National Invasive Species Committee, said it is illegal to transport monkey from one island to another within Palau.

"I personally saw one monkey in a mangrove area in Ngerbeched. If one female has gotten loose, it is easy to spread, threatening our health and environment," Miles told Horizon.

He urged the public not to bring these monkeys out of Angaur as they pose threats to their health and the environment. These invasive mammals have continuously destroyed farms and gardens in Angaur.

"People get monkeys from Angaur which, by the way is against the law. The young monkeys are cute, but when they get older they often become mean and people let them go. There are now wild monkeys in the Rock Islands, and the mangrove areas of Koror and Airai. If this is not stopped, all of Palau will eventually have the same problems they are now having in Angaur," Miles, also chief of the Terrestrial Unit of the Office of Environmental Response and Coordination, said.

Macaque monkeys are considered pests in Palau and preys on crabs and birds in addition to destroying farms and gardens in Angaur, the OERC said. They are also carriers for viruses and diseases that can affect humans, including the Ebola virus. The OERC said pet monkeys have bitten their owners in Palau and these bites have sometimes resulted in serious infections.

Miles added that monkeys spread so easily, saying that once they reach other islands, through the help of humans, they can easily move around. They are able to swim and are well adapted to living in mangroves

GUAM ELECTION COMMISSION 2004 GENERAL ELECTION PRECINCTS

DISTRICT
Hagatna

PRECINCT
Guam Legislature

Asan/Maina

Center
Feteria

Piti

Agat

Santa Rita

Truman

Umatac

FQ Sanchez Elem.

Merizo

Merizo Martyr's Elem.

Inarajan

Inarajan Middle School

Talofofo

Talofofo Elem. School

Yona

Yona Elem. School

Chalan Pago/Ordot

Chalan Pago/Ordot Elem.

Sinajana

C.L. Taitano Elem.

Agana Heights

Agana Heights Elem.

Mongmong/Toto/Maite

J.Q. San Miguel Elem.

Barrigada

Untalan Middle School

Mangilao

Price Elementary School

Tamuning

John F. Kennedy H.S.

Wettengel

Wettengel Elem. (A-D)

M.A. Ulloa

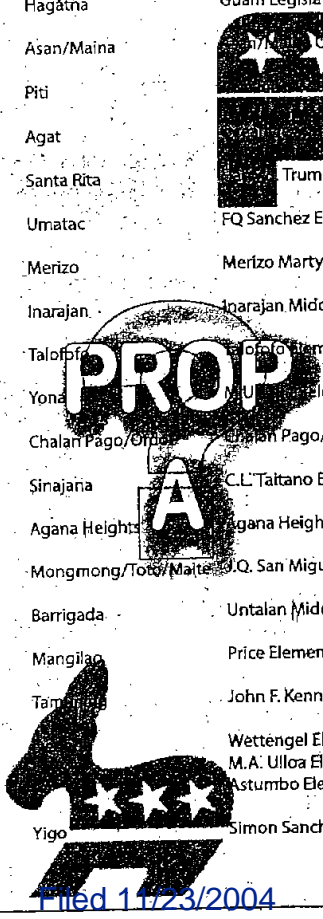
M.A. Ulloa Elem. (E-R)

Astumbo

Astumbo Elem. (S-Z)

Simon Sanchez

Simon Sanchez H.S.



Prop A litigation brings to question AGO duties anew

By Mar-Vic Cagurangan

Variety News Staff

THE Prop A litigation has raised anew the question regarding the power and duties of the Attorney General's Office, and Guam's first elected Attorney General Douglas B. Moylan has once again found himself defending his office.

"The people of Guam elected the AG to set a legal policy for them. The people of Guam, through the government offices, are my client," Moylan explained.

Moylan made the statement in reaction to the decisions of the governor's office, the Legislature and the Guam Election Commission to dismiss AGO's representation at the district's court's hearing of the Citizens

for Economic Diversity's lawsuit that sought to stop the Prop A vote. The three offices were named as co-defendants in the Prop A case.

Gov. Felix P. Camacho was represented by his legal counsel Shannon Taitano and private lawyers Michael Paneglinan and Rodney Jacob; GEC was represented by Cesar Cabot; and the Legislature was represented by Therese Terlaje.

AGO has transferred the case from the Superior Court to the federal court through a stipulation and order. District Judge Alex Munson refused to accept the stipulation, saying that "It seems highly inappropriate to bind the government of Guam to a stipulation and order where

it appears that the AG may not be the government's counsel."

Munson has denied CFED's petition for preliminary injunction, allowing Guam voters to cast their votes today.

Moylan said the merits of the legal issues raised by CFED will be tackled later. "The case involves a question of law that was not followed. We're not on anyone's side on this issue. I am representing the people of Guam and they are represented through the governor's office, the legislature and GEC," Moylan said. "The position of these offices are irrelevant for purposes of the legal question."

Assistant Attorney General Rob Weinberg has filed a motion asking the court to nullify

the appearances of the private lawyers at Friday's district court hearing.

Weinberg asked the court to authorize only the AGO to appear on behalf of the defendants.

"In the majority of jurisdictions, Guam now included, the attorney general controls the litigation decision of all state officials and agencies," the motion read. "Without such prerogative, the attorney general would be unable to institute and maintain uniform, and coherent legal policy that takes full account of the public interest."

The question regarding the extent of AGO's duties was raised anew in the Prop A litigation barely a week after Moylan appeared before the Supreme



Douglas B. Moylan

Court, where he had a showdown with lawyer David Mair, who also insisted that AGO's powers and duties were limited. Mair belongs to the private law office contracted by the Guam International Airport Authority.

COPA mobilizes volunteers for poll duty

By Gerardo R. Partido

Variety News Staff

THE anti-casino group, Communities Opposing Proposal A, is mobilizing hundreds of volunteers to monitor today's election.

COPA chairwoman Jackie Marati said her organization has been preparing and training volunteers to observe the polls and be on the lookout for any anomalies.

She stressed that the COPA volunteers will not just volunteer to observe the Proposal A vote but monitor the entire election process.

"Our volunteers will be out on election day to act as poll watchers. We're very concerned about voting irregularities so we're firming up all our volun-

teers," Marati said.

She said the COPA poll volunteers were recruited from grassroots organizations, church groups, and other concerned citizen groups affiliated with the group.

"We're marshalling the troops. We trained them for election procedures and we'll be out in full force, walking the streets," Marati said.

"From the start of voting in the morning, we'll be there and we'll also be present at the University of Guam through the courting. Our headquarters in Hagatna will also be open all day on election day. Anybody who may have questions on voting irregularities can call 472-2672," the COPA chairwoman said.

With regard to last week's federal court decision to deny the motion for injunction submitted by Citizens For Economic Diversity, Marati said her group is "extremely pleased" that the court is allowing the Prop A vote to proceed.

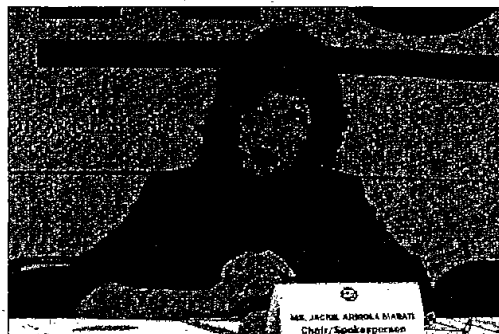
"Many of the voters have told us that they want to vote and they're ready to vote. And we want this initiative to be voted upon so that the will of the people can be heard," she continued.

On CFED's statement that it will go through with plans to lobby for a special election, Marati said:

"Let's go through this election first. I think the most important thing is to see where the people stand. This is the only poll that counts. I think that when

we hear the people's voice and it's going to be convincing as we believe it's going to be, then, we can address that matter of

the special election afterwards. But let's give the people the opportunity to speak now and then take it from there."



COPA chairwoman Jackie Marati said her organization has been preparing and training the COPA volunteers to observe the polls and be on the lookout for any anomalies. Photo by Gerardo R. Partido

LA Tax Free Shop closing

By Haidee V. Eugenio

Variety News Staff

CITING weak sales, the LA Tax Free Shop is going to close its doors in December, or after 15 years of operations on Saipan.

LA Tax Free Shop in Chalan LauLau, which was established in 1989, is one of the two remaining major duty-free shops on the island. The other one is DFS Galleria in Garapan.

Another duty-free store, Hakubotan, shut down operations in 2002 also due to slow business.

Yongmook Choi, sales manager of LA Tax Free Shop, told Variety yesterday that the existing building is now for sale at \$750,000.

"The business is so slow. The Korean tourists don't shop a lot anymore, even during the honeymoon season like April, May, June, September, October, November.

"We expected them to come,

but they did not. They go to the Philippines, Bali (Indonesia) and Thailand, and we cannot compete," Choi said in an interview.

Choi said while LA Tax Free Shop earlier thought that it could still operate at least until next year. But he said Korean travel agencies project that the market will not improve in the coming months.

"So the shop decided to just close the business. Right now, we are looking for investors to buy either the whole business, or the building," he said.

The \$750,000 does not include the costs of the existing merchandise inside the shop, from traditional Chamorro handicrafts to watches, liquors, cosmetics, leather products, electronics, health and beauty products, among others.

Starting next week, LA Tax Free Shop will have 40 to 60 percent discounts on all its mer-

chandise.

"We invite the public to come to the sale, we have big discounts.... We may be closing by December," he said.

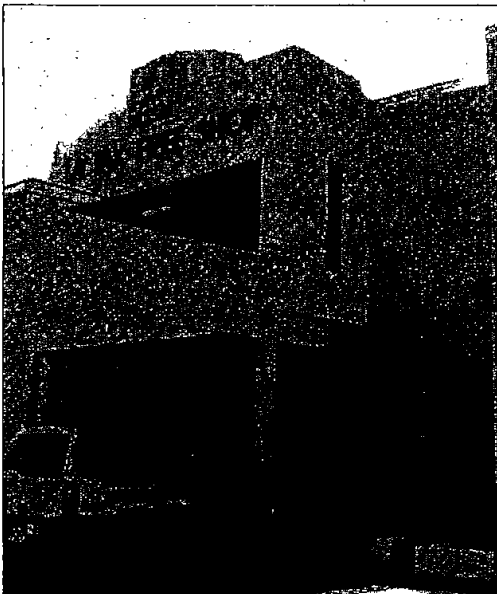
He added that one serious investor has so far been negotiating to buy the building.

The duty-free shop currently has about seven staff, including Choi, accountant Joy Ong and Byung-Hoon Park, the corporate secretary and business consultant.

Some of them plan on transferring to other employers, while the other staff have yet to decide what to do after the shop is closed.

Choi, who has been with LA Tax Free Shop since 1994, expressed sadness over the shop's closure.

"I feel sad.... I was only 24 when I joined the company. Now I'm 34. I've been here for 10 years now, but I haven't decided whether I will transfer or go back to Korea," he said.



The LA Tax Free shop in Chalan LauLau will close its door in December after 15 years of operations in the island.

Photo by Jacqueline Hernandez

